

THE AMERICAN

20c • NOVEMBER 1967

LEGION

MAGAZINE

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The American

LEGION

Magazine

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OUR OLYMPIC BEGGARS

SIR: Congratulations to Irving Jaffee for suggesting a reasonable solution to our deplorable Olympic financial situation ("A Plan to Rescue Our Olympic Beggars," September). All true sports lovers would be only too glad to pay a little extra for admissions if it would aid our Olympic effort. I would like to suggest that the Legion, as a national public service, get together with the Olympic Committee and promote a "Nickel-a-Ticket" campaign. Let's show the rest of the world what we can do athletically if we really try.

DONALD G. OHL
Lewisburg, Pa.

SIR: Irving Jaffee's article is a good exposition of a condition that has long plagued U.S. athletes on an Olympic scale. Jaffee missed, however, on the "Los Angeles Olympic Club."

The Olympic Club, oldest amateur athletic club in the U.S.A., has for generations been a San Francisco institution, and its interest in development of amateur athletes goes back to Jim Corbett and includes many U.S. champions in many types of individual and team sports. It has assisted unattached athletes at all modern Olympiads—back to Warren Kerrigan's sprinting at Athens—and its beneficiaries have won many medals.

PHILIP J. SINNOTT
San Francisco, Calif.

We know, and so did Mr. Jaffee, that the Olympic Club is in San Francisco. Perhaps our psychiatrist can tell us why we moved it to L.A.

SIR: I liked Mr. Jaffee's article and hope that those in the sporting world will go along with his suggestion for raising money to help our athletes. This should have been done many years ago.

JAMES J. FINCK
Richmond Hill, N.Y.

MORE SPORTS FOR MENTAL HEALTH

SIR: May I add a medical comment to Irving Jaffee's proposal to tax America's sports fans in order to finance our long-neglected Olympic teams and give a shot in the arm to amateur sports?

I especially commend Mr. Jaffee's statement that helping the Olympics would be only the "frosting on the cake,"

for the heart of the idea would lie in the help it would give to expanded development of sports for our youth in general.

As a physician in the field of mental health, I cannot overemphasize the value of regular sports activity in maintaining not only physical but mental fitness in our increasingly complex society. More emphasis on play, and opportunity to learn play and its skills, will be ever more vital to the mental health of the nation.

The Lifetime Sports Foundation, financed by private industry, endorsed by President Johnson and headed by former Oklahoma football coach Bud Wilkinson, is dedicated to developing skills in those sports that our youngsters can continue to enjoy throughout busy adult years.

The Foundation is interested in working with community groups, i.e., schools or Legion Posts, in organizing instructional and competitive programs that will introduce more youngsters to such lifetime sports as bowling, golf, tennis or badminton. The project may later include other lifetime sports such as swimming, skating and cycling. The Foundation will be glad to answer queries from interested groups at the address below.

EDWARD D. GREENWOOD, M.D.
Research Committee Chairman
Lifetime Sports Foundation
1725 K St., N.W.
Washington, D.C. 20006

Dr. Greenwood is also director of the Menninger Foundation's Division of School Mental Health and a former deputy director of the Joint Commission on Mental Health for Children.

AN OUTLET FOR UNPUBLICIZED VIEWS

SIR: To a great extent, conservative and patriotic opinion is not welcome in much of the large mass communications media.

The small man of less than national reputation is seldom heard. This is due not to apathy on the part of individuals, but because they have not found media in which their views can be sounded. The peaceniks, the beatniks, the socialist-oriented, the agitators, those espousing so-called new morals (or no morals), pot, pornography, anti-patriotism and atheism; and the fellow-travelers and their ilk who have brought near-anarchy to this country, have a near monopoly of expression in the large communications media, only to advocate more of the same.

But many local newspapers will publish opposite opinions in "Letters to the Editor." They definitely offer an avenue for such expression.

J. ELLIS BOWEN
West Newton, Mass.



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READERS WHO LOOK fast at our Veterans Newsletter this month (pages 29-30) are advised to look slowly, if they are interested in *any* phase of current veterans benefits. Our Newsletter summarizes a new law, which is *very* broad in scope, affecting veterans and their survivors in many categories as far back as the Spanish American War and before. If the first paragraph doesn't hit you, the ninth *may*. Vietnam servicemen and women, and those with service since the Korean War, should read it closely. There are many new things for them, as well as for veterans of earlier wars and their wives and children.

We are sorry to say that this new law *still* doesn't stop a pensioned veteran from *losing income* if he gets more Social Security. We'll get back to that in future issues and some other things too. But the new law is a good and important one.

INFLUENZA WARNING

A Guest Editorial By John A. Kraft, Jr.

THE NATIONAL Communicable Disease Center, in Atlanta, issued a warning in early September of this year that "Substantial numbers of cases of A-2 (Asian) influenza can be expected to occur during the 1967-68 season, especially in the Eastern U.S." It added that persons who have not been vaccinated since July 1963 should receive two shots of vaccine after October 1 and complete the series by early December.

Since all sorts of people are issuing all sorts of warnings every day, let's review influenza vaccination and influenza itself to help us decide how to take this warning.

Influenza is an acute, infectious disorder resembling a severe cold. Three factors combine to make it dangerous: flu hits hard, it spreads rapidly and it can be extremely debilitating.

Italian astrologers in the 17th century believed the ailment could be traced to the stars. Since it was thought to be *influenced* by the heavenly bodies, they named it Influenza.

In its sudden appearance and its rapid and extensive spread, flu often becomes epidemic. It has invaded ships at sea, hitting with such power as to render their crews unable to man them. In six weeks during the pandemic of 1918, it ripped across the entire continent of Europe and was responsible for the loss of some 20 million lives.

In 1933, in London, Wilson Smith, F. W. Andrews and Patrick Laidlaw isolated the A virus. Seven years later, an American, Thomas Francis, Jr., and T. P. Magill separated virus B. In 1944, Richard Taylor detached and demonstrated the C virus, and during the 1953 epidemic, Japanese scientist A. Sendai singled out influenza virus D.

Discovery of the viruses set the stage for a vaccine that would provide an effective screen against this infection. The viruses were found to be alike in some respects, but an important difference became evident.

Although *infection* by one type of in-

EDITOR'S CORNER

fluenza virus does not give immunity against other types, today's *vaccine* sets up an immunity for all known major flu viruses. A simple inoculation gives some protection, but a second dose taken about eight weeks later provides greater safety against the infection.

The effect of the vaccination lasts from six to 12 months. Booster injections, to resist the flu virus, are usually given each year, and the Communicable Disease Center urges yearly vaccination, especially for persons over 65, the chronically ill and pregnant women—all high-risk groups.

The office of the Surgeon General of the U.S. Public Health Service estimates that vaccination for influenza gives protection in 70% of the cases and indicated that 60,000 of the 86,000 deaths caused by flu epidemics from 1958 to 1961 might have been prevented with the current vaccine.

The disease is highly contagious. Infection is transmitted through droplets (coughs and sneezes); direct contact; newly infected articles, such as tableware; and, it is suspected, through the air. All persons, regardless of age, are susceptible. Flu is especially serious when it attacks those with chronic chest ailments, rheumatic hearts or diabetes. Influenza is notorious for so weakening patients that they are more susceptible to other infections. Hence it is important to take it easy until strength is *fully* regained. Sinus infections, bronchitis and ear trouble may result. One of its complications is acute lobar pneumonia, an inflammation of the lungs that hits persons in poor health particularly hard.

The rugged individual who continues to work while suffering with influenza greatly increases the risk of pneumonia. Since the ailment spreads rapidly, he brings unnecessary misery to others by remaining on the job.

If you come down with flu symptoms don't attempt to diagnose them yourself. Dr. Collin H. Threlkeld, Jr., a Memphis physician, points out the dangers in doing so. "Symptoms resembling the flu could be caused by something even more serious. By seeking professional advice early, you may prevent severe discomforts."

Although flu seems to strike suddenly, the symptoms seldom appear until one to four days after a person has been exposed to the infection. His first warning may come from feverish attacks followed by chills, headaches and muscular pains. There may also be gastrointestinal upset with nausea and diarrhea. The victim has a poor appetite and a feeling of exhaustion. When his appetite returns, the physical depression remains with him. It may last for days, even weeks. His discomforts often include a sore throat, head cold, cough and nausea. He feels and looks miserable.

The temperature of a flu sufferer var-

ies. It usually runs 101 to 102 the first day, then climbs to 103 before the fever reaches its peak. In children, it often goes higher. After that, the symptoms may decline gradually, only to zoom again on the third or fourth day. This feverish condition may remain for five to seven days. As the fever goes down, there is stuffiness throughout the sinuses, and coughing increases.

In treating influenza, most doctors recommend bed rest and suggest aspirin to ease the pains and reduce fevers—and to be safe, let the doctor do the prescribing. The extent and severity of an attack can usually be controlled by following instructions at the onset of an illness. Patients are urged to consume fluids, stay on a diet of soft foods and remain in bed as long as the sickness is severe.

Thanks to the effective use of vaccines, the viral infection is no longer a large-scale killer. But influenza is treacherous. The moment a person feels better, he's likely to regard himself as fully recovered. The flu bug is faking. It releases its hold to get a better grip. Be smart. Don't celebrate a victory until it's won. Get your strength all the way back before you ring bells.

THE GREAT RAT CONTROVERSY

THE AMERICAN LEGION has no stated policy on whether Congress should assign federal funds to help wipe out four-legged rats. But the Legion has long had policies against two-legged rats. In our view Legion policies against two-legged rats can be extended to four-legged rats. That's permissible under broad and permanent Legion sentiments in favor of what makes America a better place to live, and against the opposite.

For lack of authority, we duck the question of supporting any particular anti-rat bill in Congress. But in our judgment the four-legged rat continues to be a menace to the good life today. Indeed, without any prompting from Washington and long before controversy over the nasty little rodents erupted in the halls of Congress, we published a full-length piece called "Man's Enemy The Rat, Today." (October 1964.) That article was definitely anti-rat.

Now we are delighted to see that our Comrades in Maryland wasted not a moment in appropriating some of *their* money in the cause last August. Hardly had Congress initially turned thumbs down on the President's anti-rat bill than Maryland Legion leaders, headed by Commander Stanley King and Adjutant Dan Burkhardt, went to Baltimore's City Hall and gave Mayor McKeldin \$1,000 for rat war. It was applied to scholarships for five ROTC students at Morgan State College, Class of '68, for a special task. They had volunteered to work with Baltimore's Bureau of Rodent Control for a month—to attack rat breeding grounds and teach citizens in rat-infested areas of the city how to continue the war after the students' return to college in the fall.

The Maryland Legion calls it Civic Action, and we say Amen. THE END



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By **THOMAS A. HOGE**

IN THE PAST YEAR, the flag of the United States, symbol of freedom under which Americans have fought in four wars during this century, has been set afire by a university professor, hanged like a horse thief by an artist, used as a blanket by play acting students and burned by demonstrators in front of thousands of witnesses.

Each of these acts of desecration flouted laws on the books of all 50 of our states, as well as the U.S. Flag Code. Yet none of the violators has paid one cent in fines or served a day in jail.

Putting the American flag to the torch has become popular sport among Communists and other anti-American elements in different parts of the world, but U.S. citizens were shocked last April when it happened in France, supposedly an ally.

The incident occurred during a visit to Paris by Vice President Humphrey and had ugly overtones. Demonstrators described by the Dean of the American Cathedral as "young communists and beatniks" tore the U.S. flag from the Cathedral and burned it. Then they mobbed and beat two U.S. Marines stationed outside the American Embassy. Parisian officials later apologized for the incident, but Americans living in Paris say it will be a long time before U.S. resentment over the attack dies down.

Meanwhile, here at home scores of other Americans have defiled or mutilated our national colors over the past five years, and with only a few exceptions they acted with impunity. Newspapers have carried a stream of stories and photographs of the flag being put to the torch, trampled and spat upon in our streets and parks. There also have been advertisements showing fashion models reclining upon the Stars and Stripes, chorus girls draped in replicas of Old Glory and little else, and displays of pillows, handkerchiefs, beach towels and even horse blankets designed in the flag pattern.

Our state laws are intended to protect the American flag from insult or damage between our shores. They range from a token statute in Indiana calling for a \$5 to \$10 fine (now in the process of being stiffened), to a Texas law providing for imprisonment up to 25 years. Other states have termed flag desecration a misdemeanor actionable in their courts, but set no penalty to guide judge or jury. Lawrence Phelps Tower, chairman of the United States Flag Foundation, who has made a study of the problem, says most of these state laws mean little.

A Record of Flag Desecration

A catalog of recent episodes of contempt for the flag and what the law has and hasn't done about it.

The U.S. Flag Code carefully spells out flag etiquette with do's and don'ts, but has provided no penalties at all for violation.

"Some (state laws) carry penalties so light as to provide no real deterrent," says Tower. "Some are not enforced. Some are poorly drafted and susceptible

on the Judiciary of the House of Representatives, which has finally drawn up a statute making flag desecration a federal crime punishable by a \$1,000 fine and/or a year in jail. The statute was passed by the House on June 20 by an overwhelming vote of 385-16 and passed on to the Senate for final approval.

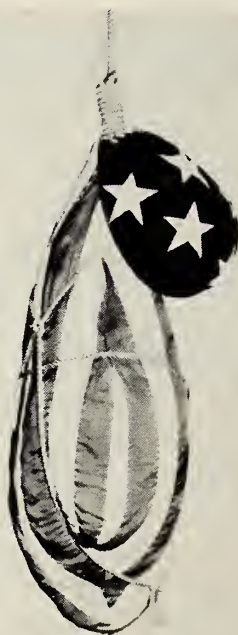
Ever since 1900, there have been efforts in Congress to make it a federal crime to burn or otherwise damage the American flag, but it took a particularly flagrant case to get legislative action. For years Congressman Emanuel Celler, chairman of the House Judiciary Committee, bottled up such bills on the ground that the flag laws on the books of all 50 states made federal legislation unnecessary. But this year mounting indignation over flag burnings and other such acts forced Celler to give ground, and turn the issue over to his subcommittee.

The House hearings were prompted mainly by the now famous incident at a mammoth Vietnam peace rally in New York's Central Park last April. Demonstrators burned the flag unhindered despite the fact that a small army of police and thousands of spectators were present.

The Central Park incident might have been forgotten had not newspapers across the nation carried stark pictures of the burning, thus whipping up a furor in Congress and sparking public demands for federal action.

Testifying at the hearing, New York Congressman Seymour Halpern gave a clue as to how the American flag could have been burned at such a heavily attended event. "For some strange reason," Halpern said, "the police of the City of New York (and I get this on good authority) were informed not to make an arrest, and evidently, from what I gather, this was as a result of a consultation with certain officials here in Washington."

For various reasons, most desecrators of the flag have gone unscathed over the



Old Glory, shaped to represent a symbolic figure in a hangman's noose, was the work of New York artist Marc Morrel. Gallery owner Stephen Radich, who displayed work, was fined, but Morrel was not bothered by the authorities.

to successful challenge in the courts."

Some Congressmen also claim that the federal government—which has bent over backward to give opponents of its Vietnam policy a free voice—has passed the word down to the state level to go easy on demonstrators who defile the flag in the name of peace.

This came out at a recent hearing of the subcommittee #4 of the Committee



At anti-Vietnam rally in New York in April, demonstrators burned the flag while police stood by and TV cameras ground away.

CONTINUED A Record of Flag Desecration

years. About the only deterrents have been patriotic societies like The American Legion, the Daughters of the American Revolution and the Flag Foundation. But even these influential groups have rarely been able to obtain legal action against proven offenders.

In 1961 Tom Wesselman, one of the original "pop" artists, glued down an actual flag to create a curtain for a photographic mural in his "Great American Nude #5." It was viewed by critics as in questionable taste and a technical violation rather than willful defamation. As far as is known, Wesselman never encountered any opposition from authorities, who perhaps were unwilling to tangle with the American Civil Liberties Union (ACLU) which makes a practice of defending the "free expression" of "art."

Art for art's sake became a more serious issue last spring when a 29-year-old ex-Marine named Marc Morrel put several of his "stuffed sculptures" on display at the Stephen Radich Gallery on New York's Madison Avenue. One of the Morrel sculptures showed the flag as a cadaver hanging from a noose. Another depicted the flag moulded in the shape of a sex organ draped on a cross.

The noose motif represented Morrel's "protest against the war in Vietnam" and he freely admitted it was meant to shock. The target of the law, however, was not Morrel, but Radich, for displaying the "sculptures" in his gallery. Two weeks after the exhibit opened, police

served the gallery owner a summons charging him with violating the New York State penal code. Radich also received a summons from Tower's Flag Foundation which contended that artistic freedom should not include desecration of the flag.

Radich turned to the ACLU which promptly provided him with legal aid. Defense counsel Richard Green based his case largely on the fact that Radich was an honorably discharged WW2 veteran who had served as a radioman aboard the ship taking President Roosevelt to the Tehran conference. The argument had little effect.

The three-man court noted that nations have gone to war for insults to their flag and ruled that freedom of speech or art does not extend to desecration of the colors. Radich was fined \$500, or \$50 a day for each of the ten days the exhibit was on display, with an alternative of 60 days in jail. That was as far as the court could go under New York law which sets a ceiling of \$50 for each act of flag desecration. The mildness of the penalty evoked a blast from New York Congressman Seymour Halpern testifying before the House Judiciary subcommittee #4.

"To some this may seem an adequate penalty," Halpern said. "But when you consider that one of these so-called art pieces alone had brought \$900 to the purveyor of this disgusting filth, it becomes evident that even with the fine, it still left him (Radich) a \$400 profit."

Morrel, who created the controversial

sculptures, was not even given a summons.

So-called flag art has been the center of other controversies, and it usually has taken considerable effort even to get it removed from display. Such a case occurred in 1961 when a Boston art photo exhibit featured a model reposing on a bedspread which happened to be the flag of the United States. Hanging over a window behind the girl were two more U.S. flags doing double duty as curtains.

Tom Abely, a Massachusetts camera fan browsing through the exhibit, got one look at the flag photograph and angrily lodged a protest with the directors of the art festival. But his complaint apparently fell on deaf ears. Abely then took his case to the Massachusetts Adjutant of The American Legion, who complained directly to Boston Mayor Collins. Collins had more than a little influence in the matter since the Boston

NEW YORK DAILY NEWS



Another sort of flag desecration was revealed when longshoremen discovered old American flags among baled rags bound for Germany. After protest, flags were removed.



In Augusta, Ga., a dead WW2 vet's flag was used to wrap his unclaimed possessions, then dumped onto an ash can.

City Council gives the Festival \$15,000 each year to stage its show. Collins rapped out an order and the picture disappeared from the exhibit.

Attempts by authorities to prevent misuse of the flag in theatrical productions have generally run into the legal technicality that what goes on behind the footlights is make believe and therefore not subject to law.

Last March, four students from the Yale School of Drama staged a production titled "Keep Tightly Clothed in a Cool Dry Place" at a dramatists' workshop in New York's East Village, playground of the hippie set. Tipped that the American flag was playing some

Second Childhood

by Eugenia Sheppard



A lot of girls who are long past adolescence have been heading recently straight for the sixteen departments to buy their clothes. Dinah Smith, 25-year-old assistant art director at The Marschalk Company, an advertising agency, is one of them. Dinah got the idea about four months ago when she decided that all her dresses were looking "old lady" and that kids were wearing her kind of clothes. She was a little embarrassed at first, until one day when she had a look around her, she discovered that seven of the 10 others in the department were out of their teens, too.

The reasons for the great sixteen madness are many. In the past few years, adult styles have grown

increasingly younger, and children's clothes, more and more sophisticated. Adult skirts have risen above the knees to meet the kiddie lengths. "Even many of the junior dress designers still think American women have hour-glass figures," says Dinah. "But hour-glass I am not." Misses dresses are just plain overpowering. "And not only do they cost twice as much, but I end up paying a fortune for alterations. If I get a size 10 sixteen, I can walk out of the store in it. The skirt is short enough. The bust isn't too big."

Dinah is that seeming rarity, a native New Yorker. After four years at The Rhode Island School of Design, where she majored in painting, she returned

10 New York Herald Tribune / March 14, 1963

An uproar resulted when this pointless illustration appeared in the now defunct New York Herald-Tribune. Picture violated nearly every clause of the Flag Code.

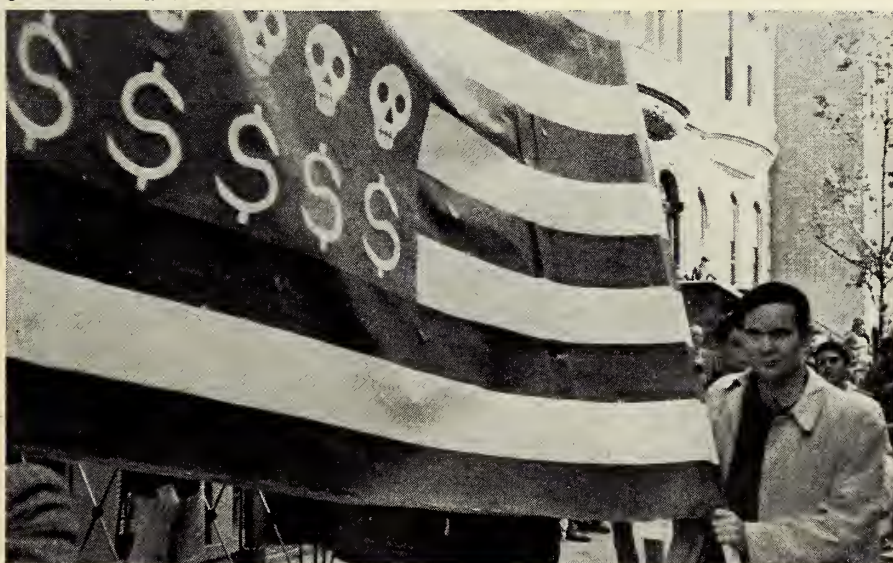
© FRED W. McDARRAH

strange roles during the performance, the Police Department sent Plainclothesman Daniel Kelleher to see the show. Kelleher saw enough to arrest the four student actors on the spot and charge them with desecrating the flag by mutilating, defacing and casting contempt upon it. Hauled into Criminal Court, the students were charged with using three American flags during the play which was set in a jail. Kelleher testified that one student had thrown the flag on the floor and rolled himself up in it, while another used it as a cover for his "groin."

Once again the ACLU rallied to the defense of the accused. ACLU attorney Donald Levine asked that the charges be dismissed on grounds that the play represented conditions in present-day society and the flags were merely props.

The case suddenly ended when Ass't District Att'y Jerry Slater asked the court to dismiss the charges "after considerable deliberation of my own and after consultation with others." It was not made clear who Slater consulted to prompt this reversal of opinion.

The decision moved Dr. Robert Bru-



War protesters parading last April also resorted to mockery of the flag.

stein, dean of the Yale Drama School, to say he was "delighted" and to express the opinion that there should be "complete freedom of expression."

"I hope the [New York] flag statute will be struck down as unconstitutional," Dr. Brusteian said.

Authorities tried a different strategy in the case of an off-Broadway company which staged an anti-war "happening" in a Greenwich Village playhouse. Instead of instituting legal action against the theatrical company, a move was made to revoke the theater's license, but this approach was also unsuccessful. The Licenses Commissioner rejected the complaint although it was bolstered by additional claims that children were appearing illegally in the performance and that the emergency exits in the playhouse were not properly marked.

Abuse of the flag by teachers and visiting speakers in American schools has touched off periodic waves of public indignation, but so far the offenders have escaped legal prosecution.

In early 1966, a self-styled anarchist-pacifist from Chicago named Joffre Stewart appeared before a meeting of the local chapter of Students for a Democratic Society at Purdue University in West Lafayette, Ind. A student who introduced Stewart said the guest had indulged in flag burning on previous occasions, but added that he "has agreed not to burn the U.S. flag during this program."

After urging his audience to "uproot the power structure completely" by refusing to cooperate with the State, Stewart unfolded a small American flag and carried out what appeared to be a rehearsed ritual.

According to an eyewitness account before the House Judiciary subcommittee, Stewart announced, "I said I wouldn't burn the flag tonight and I

won't." Wheeling aside, Stewart spit twice on the flag. Turning to the left, he held up the banner and again spit twice upon it. He then tore the flag apart, threw it on the ground and stepped on it.

Caught in the furor the incident
(Continued on page 50)

HAS THE SUPREME COURT

While extremists call for the impeachment of the Chief Justice, even cool legal scholars warn that the Supreme Court is leading the nation to trouble. Here's a short outline of the case against the Court.

By **NEWTON FULBRIGHT**

THIS YEAR, as last year, The American Legion National Convention called on Congress to "restore the constitutional balance of power" of the U.S. Government through legislation that would limit or preempt the authority of the Supreme Court of the United States in one or more of several specific areas.

In Resolution No. 28, the 1967 Legion Convention made it clear that, in the opinion of the delegates, the Supreme Court, under the guise of interpreting

the law, has busied itself writing new law and controlling its enforcement, thus usurping the power of the Congress and the Executive.

Some specific complaints were spelled out by the Legion delegates. They dealt with usurpation of power in general and with Supreme Court decisions that "weaken" or "emasculate" laws that are essential to the security of the nation and to procedures that are followed by law enforcement agencies in their pursuit of crime and criminals.

The Legion's 2,960 delegates did not

fancy that it would be an easy job to put the three branches of the government back in balance. They asked Congress to hold public hearings to "ascertain the feasibility" of simple legislation to restrict the Supreme Court. Should that not prove feasible, they endorsed the prospect of one or more amendments to the Constitution to "reassert the supremacy of Congress in legislative matters," in terms that "cannot be misconstrued or ignored."

There is nothing simple about critiques of the Supreme Court. There is nothing simple about defining what its powers are or are not. Nor is it easy to change either the Court itself or its habits.

Attempts to discuss the Court and its proper role may become bogged down in old myths that the Court is sacrosanct, and bogged down even more by confusing the merits of a matter before the Court with the entirely separate question of the propriety of the Court as the body to handle it at all, or of the way it chooses to handle it.

To challenge the Court at all, one must first dispose of the question of whether it is sacrosanct.

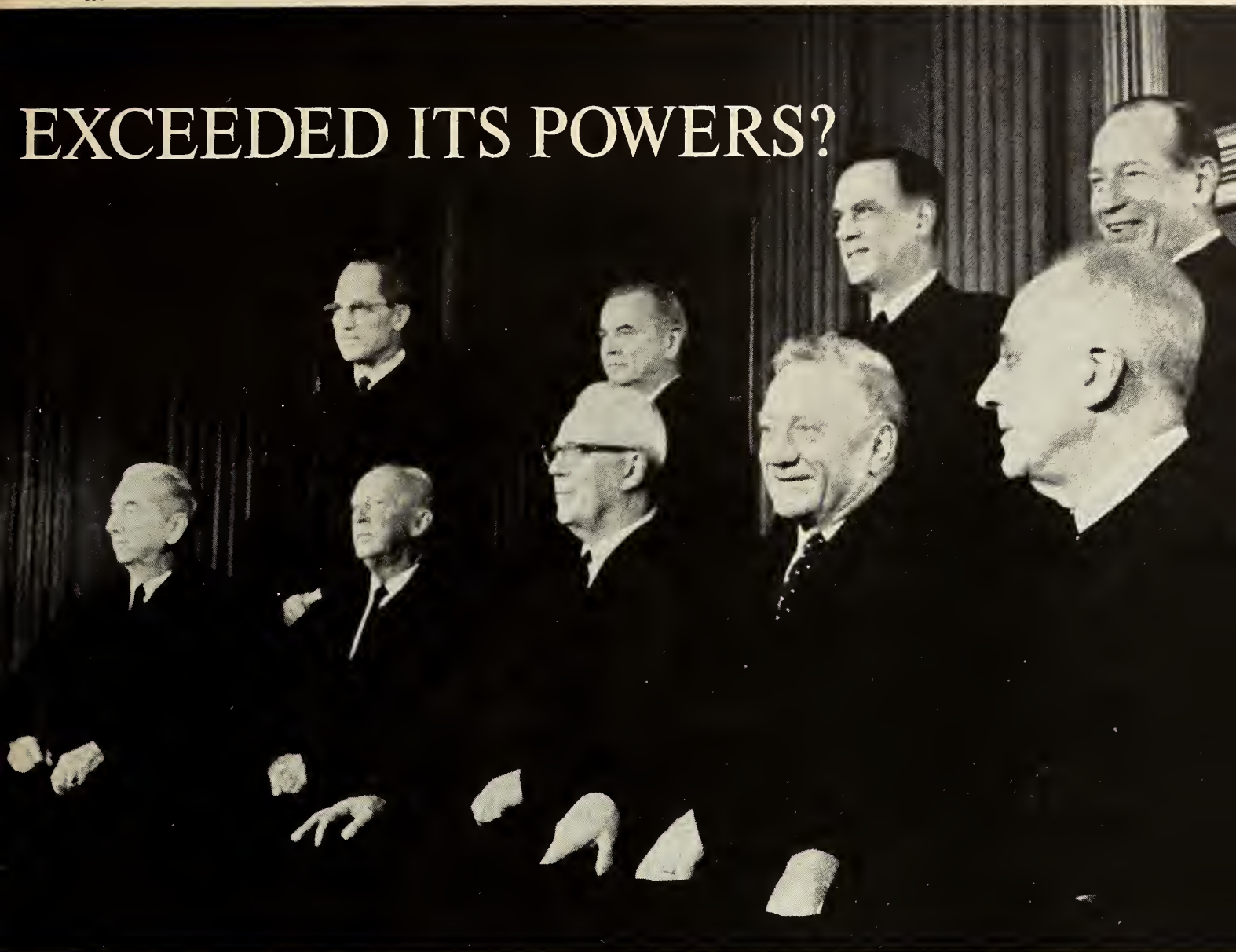
There is no point discussing anything touching on the Supreme Court if one must start with the notion that the Court is above criticism, change or restriction. It was Chief Justice Charles Evans Hughes who said that the Constitution of the United States is "what the Supreme Court says it is." If this is literally true, then the Court is superior even to the Constitution. It is then beyond the reach of either the people or the law until such time as the present government of the United States is abolished and a new one created. Anything else would be a waste of breath.

But it is not literally true that the Constitution is what the Court says it is. The Supreme Court earned the right to interpret the Constitution with a fairly free hand over many years in which, by and large, it exercised such self-restraint that the people consented to it—a restraint which some great legal minds claim the present Court has abandoned. Without that consent, the Court is the weakest, not the strongest, branch of the government. It is only nine men. The people, and Presidents, in years past, have defied the Court, restricted the Court and criticized it. For example, after the first ten amendments to the



Is the Court above criticism? Lincoln flayed the Dred Scott decision, letting slavery in the territories and by implication denying any state the right to exclude slavery. The decision was illegal, political, and pushed the nation toward war, he said. In the 11th Amendment, Congress and the people rebuked and limited the Court in 1795. President Jackson once refused to enforce a Court decision. Now, Amendments to curb the present Court are sought.

EXCEEDED ITS POWERS?



The U.S. Supreme Court before Justice Tom Clark (seated, left) resigned to be replaced by Thurgood Marshall. Others, seated: Justice Hugo L. Black, Chief Justice Earl Warren, Justices William O. Douglas, John M. Harlan. Standing: Justices Byron R. White, William J. Brennan, Jr., Potter Stewart and Abe Fortas. Critics say majority abuses appointive office by legislating.

Constitution were adopted as one package in the Bill of Rights, the 11th Amendment, adopted in 1795, barred all federal courts, including the Supreme Court, from jurisdiction in cases in which a citizen sues a state. The 11th Amendment was written and ratified as a rebuke to the Supreme Court.

In the 1830's Andrew Jackson, as President, is credited with having said that Chief Justice John Marshall "has made his decision, now let him enforce it." That decision involved missionaries to the Cherokee Indians in Georgia. It would never have been enforced had not the next elected Governor of Georgia chosen to abide by it.

In his first inaugural address Abraham Lincoln upbraided the Supreme Court for the Dred Scott decision which, in effect, admitted slavery to the territories from which the founding fathers, including authors of the Constitution, had ex-

cluded it. Lincoln accused the Court, under Chief Justice Taney, of overstepping its powers then and of helping bring on the Civil War through that decision. One should not overlook the fact that the people—not the Court—annulled the Dred Scott decision by waging war and by amending the Constitution after the war. The nine justices could only abide by the outcome.

These events, quite apart from the issues involved, demonstrate that the Court has never been sacrosanct, that it is not superior to the Constitution or the people, that it rules on the Constitution only with the consent of the people. (As an aside, these examples also illustrate in part the dangers of an irresponsible or overambitious Court. It is so difficult to curb the Court that when the people or the Executive become impatient with it, they may assert themselves through extreme measures.)

The Court is not, then, above criticism or control. Yet before one can freely debate the Court's role today there still remains the hurdle of separating questions before the Court from the Court's role in handling them.

If the Supreme Court today is as arrogantly exceeding its powers as many claim that it is, it owes its success in part to the divisive effect of the issues on which it has handed down its most controversial decisions. Those who agree with its far-reaching decisions are as apt to support the Court, *without respect to questions involving the Court*, as some of an earlier generation approved of Mussolini for making the trains run on time. Those who would criticize the Court find themselves having to take stands, perhaps unwillingly, on side issues. There is little question that the Court reached around the barn, and nakedly wrote new law, in its basic school desegregation

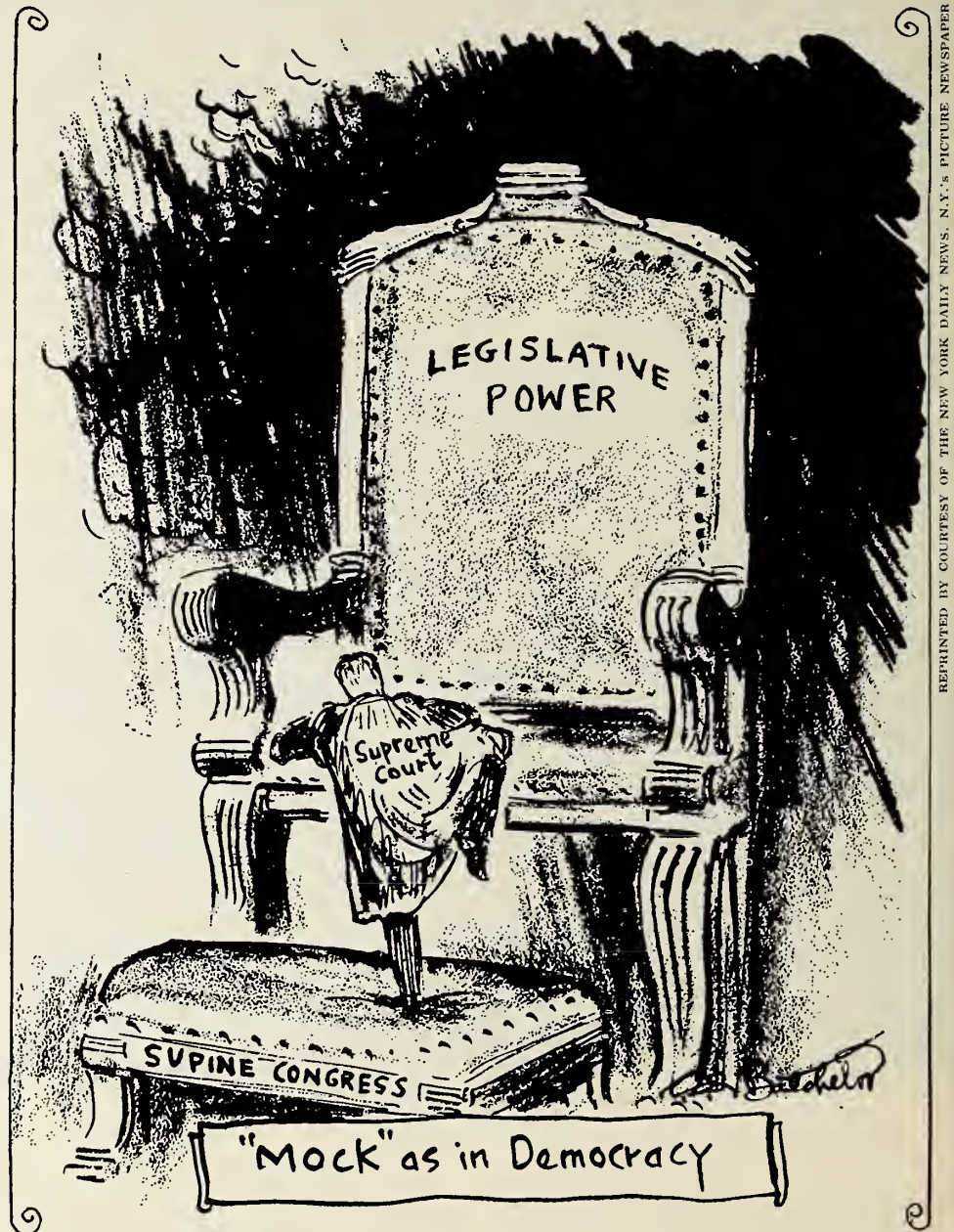
CONTINUED Has the Supreme Court Exceeded its Powers?

decision—trampling on both the Congress and the states. But a jurist who is shocked at the non-judicial nature of the decision and the obvious writing of basic law by the justices may find himself tarred as a segregationist if he speaks out.

Yet the first school decision was soon a platform on which the Court would stand to claim more unrestrained powers for itself. Until the days of the present Court it had been traditional that the Supreme Court literally rules on the case before it, not the whole question as it may apply to other cases. It has been an assumption—and a reasonable one—that a different case on the same question *might* be ruled on differently, but that by and large a decision in one case would indicate how similar ones would go. Under this tradition the Court was spared accusations of reaching for power. It did not literally claim to write fixed and frozen rules to the last comma and period, as lawmakers attempt to do in their very different role.

But within a few years of the first major school desegregation decision the modern Court threw off all pretense that it tries one case at a time, or that it does not consider itself a legislative body. In a follow-up school case, *Cooper vs. Aaron*, it said: "... the interpretation of the 14th Amendment ... enunciated by this Court, is the supreme law of the land ... binding on the States. ..."

This remarkable admission is tanta-



C. D. Batchelor in The New York Daily News

SPEAKING OF RAT CONTROL



Warren King in The New York Daily News

mount to the plainer language "This Court, alone, has recently amended the Constitution." Gone is all pretense that in the first school case only that case was decided. The Constitution limits "supreme law" to (1) itself, (2) laws passed "in pursuance" of it, and (3) treaties. It remained for the modern Court to claim that it, too, writes supreme law.

The Legion's 1967 resolution is no more than a mirror of a very broad reaction in the land against the present Court. Off at one extreme are those who erect billboards calling for the impeachment of Chief Justice Earl Warren. But cooler heads, the scholars of the law, are also disturbed. If all of the complaints against the present Court are to be

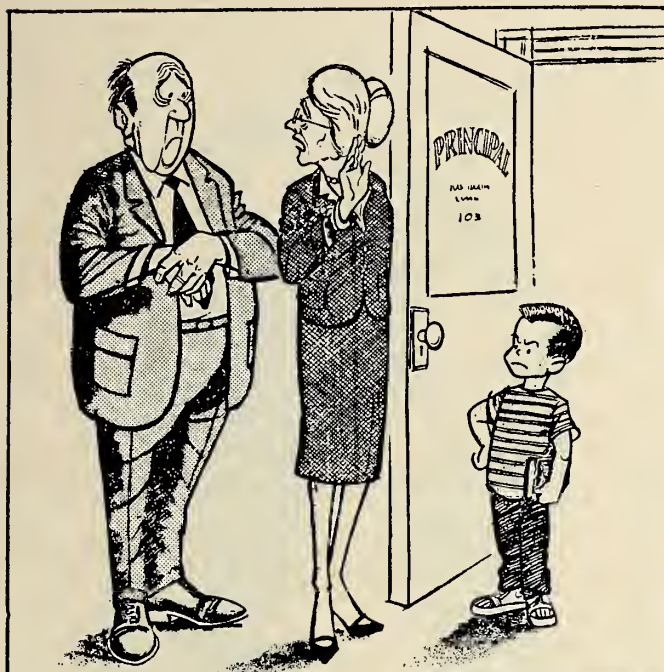
wrapped up in one blanket indictment it is that the Court quite often second-guesses not the legality of what Congress does (a traditional right) but the wisdom of Congressional acts, which is not its business. The all-embracing charge is that the Court has its own social theories, and since Congress doesn't enact them into law, the Court does it on its own, merely pretending that each new law that it writes is a valid interpretation of an actual law.

The charge is extremely serious. If a board of justices appointed for life during "good behavior," not answerable to the people at the polls as the President and Congress are, is to originate "supreme law," it then indulges in a form

of tyranny that defies our basic concept of government by the people.

Many noted legal authorities have added particulars to the basic fault found with the present Court. Some of these are:

- The Court is doing imperfect work by running a sort of legal production line, accepting cases and grinding out decisions in haste to step up the scale of its social lawmaking.
- A series of Presidents has maintained a Court majority that is amenable to writing decisions in support of vote-getting political platforms, and a majority of the justices has accepted the political role on which the appointments were based. In this process, more able jurists were by-passed.
- The modern Court has focused its attention on the mat-



"He's going to ask the Supreme Court for his daily prayer."

ter of equal rights and protection for citizens to the exclusion of other important aspects of our society. While the protection of the rights of citizens under the Constitution is an important function of the Court, the Court has (a) reached beyond the Constitution in its legislative zeal to *create* rights rather than protect them, and has (b) sacrificed other considerations in the process. The clearest examples lie in the charge that the problems of law-enforcement have been ignored in the Court's zeal to "overprotect" persons accused of crime, and that the Court strains to protect Communists as "citizens" while blinding itself to what they are up to.

- The Court has hamstrung the power of the state and federal governments to protect themselves from internal subversion.
- In many cases the Court has clearly written decisions to achieve results desired by it, which is the very essence of law-making and no part of judicial interpretation.
- The Court has exceeded all reason in meddling in the internal politics of the states, an area closed to all three branches of the federal government in the Constitution.
- Finally (a charge viewed with most concern by those who understand the law and judiciary the best) the Court has shown an alarming lack of restraint.

Legal scholars who voice these conclusions see enormous dangers in them for the country, and the same dangers are sensed by many of the people who, though unversed in law,

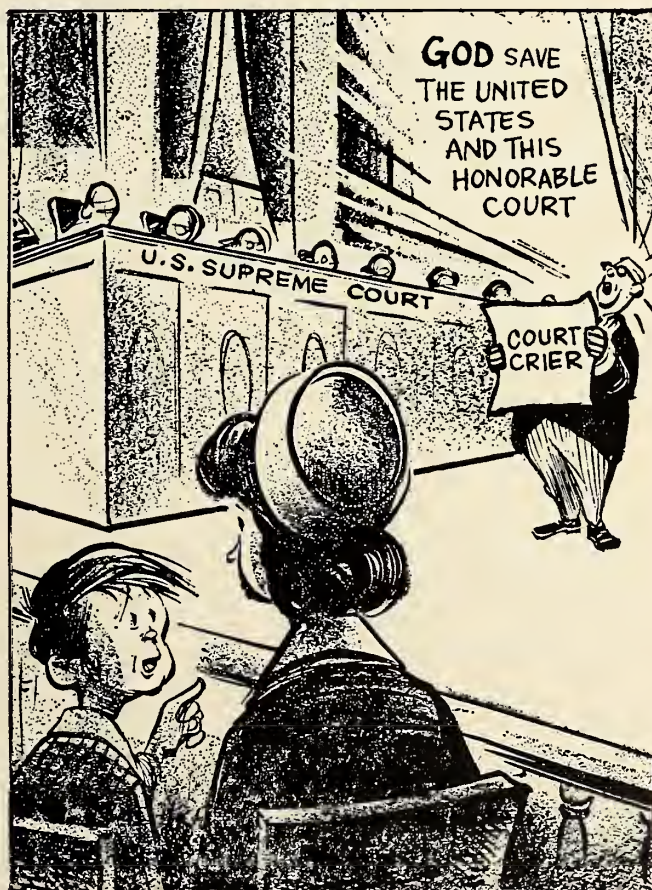
attribute to the Court a good share of the growing instability in the nation.

With mobs taking over in the larger cities, with the police helpless and mayors and governors forced to call on the Army to restore order, popular reaction against the Court has increased. By "coddling" criminals and granting immunity to Communists to carry on their agitation; by disrupting legislative elective processes to conform to the reapportionment rulings in state elections; by denial of prayer in the schools, the Supreme Court is blamed emotionally for conditions of near anarchy that seem to threaten the pattern of American society.

But what of the non-emotional comments of legal scholars?

Rene A. Wormser, New York attorney, scholar and author of "The Story of the Law and the Men Who Made It—From the Earliest Times to the Present," is one of those who believes that the Supreme Court, in much of its recent majority opinion, has erred broadly in appearing to abandon the role of interpreter of the law for that of social reformer. Mr. Wormser believes the criteria of a judge to be restraint and humility. These attributes have largely been lost sight of, he believes, since Franklin D. Roosevelt, in 1936, undertook to enlarge the Court in order to defeat the "nine old men" who had blocked New Deal efforts to expand the powers of the federal government. Balked by Congress in his efforts to "pack" the Court, the former President resorted to naming only known "liberals" to the bench when vacancies arose. Mr. Wormser believes that the competence and dignity of the Court suffered severely and has continued to suffer from a process that puts politics above ability.

"Why," he asks, "was not Judge Learned Hand named to the Court? Or Judge Harold R. Medina? Outstanding men, both of them—as was Roscoe Pound, former Dean of the



Canfield in The Newark Evening News

"But Mommy, isn't that unconstitutional?"

Harvard Law School, an outstanding authority on American jurisprudence. Why wasn't Dean Pound ever named to the Court?"

His question is an indictment of a climate that places politics above scholarship and party above character and sobriety.

The late Justice Felix Frankfurter, toward the end of his career on the Court, found himself more and more at odds with his "liberal" associates.

"It is not the business of this Court to pronounce policy," he said in 1958. "Self-restraint is of the essence of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the executive branch do."

Professor Henry M. Hart, Jr., of the Harvard Law School, said a year later:

"It has to be said that too many of the Court's opinions are about what one would expect could be written in 24 hours. . . . Few of the Court's opinions—far too few—genuinely illuminate the area of the law with which they deal."

Chief Justices of the Court, from Charles Evans Hughes through Harlan Fiske Stone to the late Fred M. Vinson, had voiced a philosophy of "judicial restraint." But Chief Justice Warren, who succeeded Vinson, joined the "liberal" members in pursuit of what critics of the Court call "judicial activism." Of this, Harvard Law Dean Erwin N. Griswold said in 1960 that the law and the public are poorly served when the Court judges a case to bring on a result it seeks.

Professor Philip B. Kurland, of the Chicago University Law School, listed four criticisms of the Court in 1964. First, in its concern with "equality" it cares less than earlier Supreme Courts did for "due process of law." Second, its reach for power divides and confuses the federal system. By assuming the role of a second rulemaker (Congress being the first) uniformity in lawmaking is giving way to a confused diversity. Third, the Court is building its own power at "the expense of the power of the other branches of government, national and state." Fourth, there is an "absence of a workmanlike product, an absence of right quality" in Court decisions.

But some of the most forceful criticisms of the Court have been voiced within the Court itself, in the minority opinions of dissenting Justices. Former Justice Robert H. Jackson assailed the majority opinion penned by Chief Justice Warren that freed 11 convicted Communists of conspiracy charges in *Dennis vs. U.S.*

The Court, Justice Jackson noted, had been severe in condemning conspiracies in the world of business, labor and management. But here, in the case of defendants joining in concerted action "to undermine the whole government" the Court was treating conspiracy as a "civil right."

A 1967 decision annulled New York's Feinberg Law to keep Communist Party members from infiltrating public school faculties and the state civil service. It drew from recently retired Justice Tom Clark a scathing minority report, in much of which he was joined by Justices Harlan, Stewart and White. The majority decision was a "blunderbuss" approach with an "artillery of words" having a "non-existent" bearing on either the case itself or the final decision. "No court has ever reached so far to destroy so much with so little," said Clark. American Legion Commander John E. Davis, two-time Governor of North Dakota, characterized the decision as one that invaded the field of judging the professional competence of state employees—no business for a court.

Justice Frankfurter assailed a majority opinion written by Justice Brennan in 1959. A female lawyer, Sawyer, while defending clients against subversive charges in Hawaii, had been

suspended from practice for a year for insults she allegedly hurled at the presiding judge while attending a public hearing. The Brennan decision revoked her suspension, and throughout the decision ran the suspicion that it was weighing sympathetically the case of Sawyer's clients rather than her own alleged contempt for the Hawaiian court. Frankfurter wrote that the majority decision neglected relevant evidence, and its finding "impairs the responsibility of the bar . . . and . . . of criminal lawyers engaged in the conduct of trials."



Warren King in The New York Daily News

It encouraged the trying of cases in the press instead of in the courtroom, he said.

Justice White's dissent in *Miranda vs. Arizona* (a landmark decision in the social legislating of the present court regarding the rights of accused persons) said that the decision ignored the security of other individuals and their property, by giving too much freedom to criminals. He reminded the Court that its passion for "human dignity and civilized values" was ill-served by giving criminals more leeway to prey on others with impunity.

Justice Harlan, in *Harper vs. Virginia*, objected that the court was creating rights (a lawmaking function) more than giving equal protection to all people to enjoy existing rights (a judicial function). It was rigidly imposing its ideology on America.

Some of the severest critics of the modern Court go the whole route. Some practices of today's Court, they say, are patently more unconstitutional than some of the laws it upsets. Even the Court's champions sense the merit of that charge, for they strain to devise Constitutional excuses for the Court's actions.

(Continued on page 40)

POLYGRAPHS VS PRIVACY. CANAL DEFENDERS AT EASE. U.S. AND NATO ALLIES.



In the midst of the heated debate over racial civil rights, which dominates the domestic legislative activities of Congress, the Senate has quietly passed a measure hailed as a civil rights bill for the U.S. Civil Service.

Sen. Sam J. Ervin, Jr. (D-N.C.), a champion of Constitutional rights, drew up the measure in a move to prohibit what he termed unwarranted invasion of the personal privacy of federal government employees.

A principal target of the legislation was the growing use of polygraphs (lie detectors) and psychological testing for civil servants and applicants for government jobs. The Senate bill would ban these practices except when needed for reasons of national security by the CIA, NSA or FBI.

Neither the lie detectors nor the tests have "mystical powers" for predicting behavior, Senator Ervin told his colleagues, adding ". . . there is no place for this sort of 20th century witchcraft in a free society."

Congressional defenders of the Panama Canal--determined to prevent easing or loss of U.S. control over the big ditch connecting the Atlantic and Pacific Oceans--are breathing easier these days.

Some months ago, a small but determined band of legislators began to organize opposition against an Administration move to sign three treaties with Panama. Under these treaties the United States would give up its full and perpetual rights to canal control attained in 1903, and give the little nation of somewhat more than 1 million people a voice in running the canal, plus increased income from its traffic. The treaties were a year in the making, and followed an outburst of anti-Yankeeism in the Central American republic.

However, when Nasser nearly threw the world into war with his whims in connection with running the Suez Canal, Washington support for new Panama arrangements lost enthusiasm. Meanwhile, in Panama, just about all the opposition parties, from right to left, have risen to protest the treaties on the ground that Panama doesn't get a big enough share of control.

So the ditch defenders here are at ease, and the United States continues to look over possible routes for a new canal without any fanfare.

Despite the current spurt of irritation between the United States and its NATO allies, the United States still believes that its best bet to help lead the world to peace and prosperity is in concert with its Atlantic partners of the past two decades.

Looking ahead, the United States sees general peace as depending on reunification of Germany, with consent of West and East; political unification of Western Europe, and joint East-West aid to the underdeveloped nations of the world.

PEOPLE AND QUOTES

SHARE VIETNAM SACRIFICE

"It is our view that the American people generally—not just the armed forces—should share the sacrifice involved in Vietnam." AFL-CIO President **George Meany**.

COLD WAR DEAD?

"We cannot . . . take it as given that the Soviets, sweet talk to the contrary, have abandoned force as the extension of diplomacy by other means." Ambassador **Harlan Cleveland**.

U.S. RACE RIOTS

"It's of the utmost importance to all of us how the United States handles its race riots, for what's going on there on a national plane is very likely to happen throughout the world in the future." Franz Cardinal **Konig**, of Vienna.

LOCAL CONTROL

"Only local government can efficiently police our great cities. . . . Only local government can avoid the dangers of a police state." Attorney General **Ramsey Clark**.

FARM CHALLENGE

"The greatest challenge of our age is to banish hunger from the earth in our time. It is only by opening the horizon of agricultural knowledge and techniques and productivity that this can be done." Secretary of Agriculture **Freeman**.

FOR NONINTERVENTION

"I am not of the opinion that we should interfere in local conflicts. . . . We are not the world's policeman." Senate Majority Leader **Mansfield**.

ALL WRONG

"The affluent are wrong if they think poverty can be destroyed without personal sacrifices. The poor . . . if they think they can get out of poverty without making any efforts themselves." **Sargent Shriver**.

WASHINGTON
PRO & CON



Opposing Views by Congressmen on The Question...

IS NOW THE TIME

THE FEDERAL GOVERNMENT'S attitude toward Agriculture remains a weird paradox.

At a time when our overall economy is prosperous and expanding, the government keeps agriculture chained to control and subsidy programs—costly to taxpayers but harmful to farmers—that originated in the depression.

Inevitably, this subjugation makes farmers one of the few, if not the only group, denied full participation in the nation's free enterprise system. Under it, farmers must depend upon federal government payments for 20% of their net income.

Early this year, the parity ratio for farmers—the yardstick that measures how well farmers are doing in relationship to the rest of the economy—fell to the lowest point since 1934.

Farmers should be turned loose to produce.

There never was a better time. Demand is husky, and farmers want to do the job themselves.

If—as the U.S. Department of Agriculture contends—this is not the time to unshackle the farmer, then farmers face a hopeless and bleak future.

Much of the farmer unrest is caused directly by the fear among farmers that the government—although occasionally talking sympathetically about the cost-price squeeze on farmers—really is pursuing a cheap food policy to ensnare consumers.

The trap for consumers is very vivid.

If farm prices continue to deteriorate, consumers will be hurt in the long run because farmers will refuse to produce in adequate amounts.

Farmers are now reluctant to increase production because they are wary of rebuilding surplus stocks that the government could dump onto the market to de-

press prices—again.

Freed of price-depressing government programs, farmers will keep consumers well supplied at fair prices. Farmers are actually quite capable of making their own decisions without government influence and interference.

Together with several other members of Congress, I have introduced legislation (H.R. 8001)

that would do away with costly and ineffective wheat and feed grain programs and replace them with a businesslike system of guaranteed credit. This bill counts among its supporters the largest farm organization in the nation, the American Farm Bureau Federation.

I am convinced that farmers are anxious for this legislation. I know consumers will be for it when they understand it, especially since it gets rid of the regressive bread-and-flour tax which hits poor people so hard. The major obstacle to passage of this legislation is the government bureaucrat who dislikes the prospect of being compelled to dismantle an expensive government apparatus which serves a political purpose.

"YES"

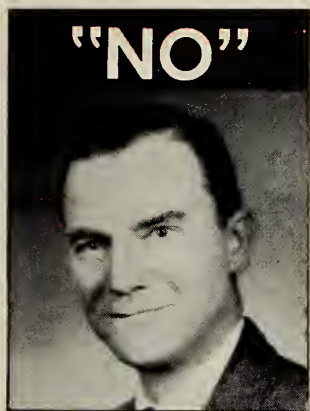


Rep. Paul Findley
(R-Ill.)
20th District

Paul Findley

If you wish to let your Congressman or one of your Senators know how you feel on this big

TO ELIMINATE FARM SUBSIDIES?



Rep. Frank A. Stubblefield
(D-Ky.)
First District

modity price support and adjustment programs can safely be discontinued.

Several leading economists at nine U.S. universities found in a recent study that in the absence of adjustment and price support programs, rising crop production would drive prices down rapidly. By 1970, according to the study, corn would drop to about 70¢ a bushel, soybeans to \$1.90 to \$2.00 a bushel, wheat to \$1 to \$1.10 a bushel, and cotton to 18 or 20¢ a pound. Within a year or two, livestock prices, too, would tumble because of an overstocked livestock market. In short, farmers would lose all of the income gains of a decade, and then some.

Today, however, farmers are being asked to grow more instead of less. Surpluses have been reduced without depressing farm income, and prices of surplus commodities have moved steadily up as quantities have moved down.

But for several commodities, the production potential of U.S. farmers continues at levels higher than foreseeable outlets are capable of handling. This capacity poses a serious threat to farm prices and income, and the voluntary programs now in operation

EXCEPT FOR COTTON, and some tobacco, agricultural surpluses that were accumulated in the 1950's are gone. Domestic and export demand for American farm products is at a record high, and never in the past 12 years have American farm products been in a better supply-demand balance.

This does not mean, however, that the com-

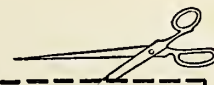
offer farmers an effective way to keep from returning to surpluses.

Even in years when production is relatively balanced with needs, farmers face price problems at harvest time. Heavy marketings at harvest knock prices down. But with price-support programs to strengthen their holding power, farmers can get loans on their crops giving them operating and living capital allowing them to withhold their crops from the market. They are, thus, able to market their products later when prices are better. This is a good price protection for the farmer.

Without programs, feed grain and cotton production would exceed available market outlets by as much as 25 million tons for feed grains and 4 million bales for cotton. Without programs, all the acreage diverted in 1967 and earlier years could come back into production. Again, farm output would shoot up, and farm income would drop. With no price-support programs, it is estimated that total production would increase 10% to 15%, prices would decline, and net farm income would fall by more than 30% below the 1966 level.

Millions of farmers have signed up for voluntary price-support of crop adjustment programs in the past six years, and they continue to participate in large numbers, indicating that they want to continue these surplus-preventing programs.

Frank A. Stubblefield



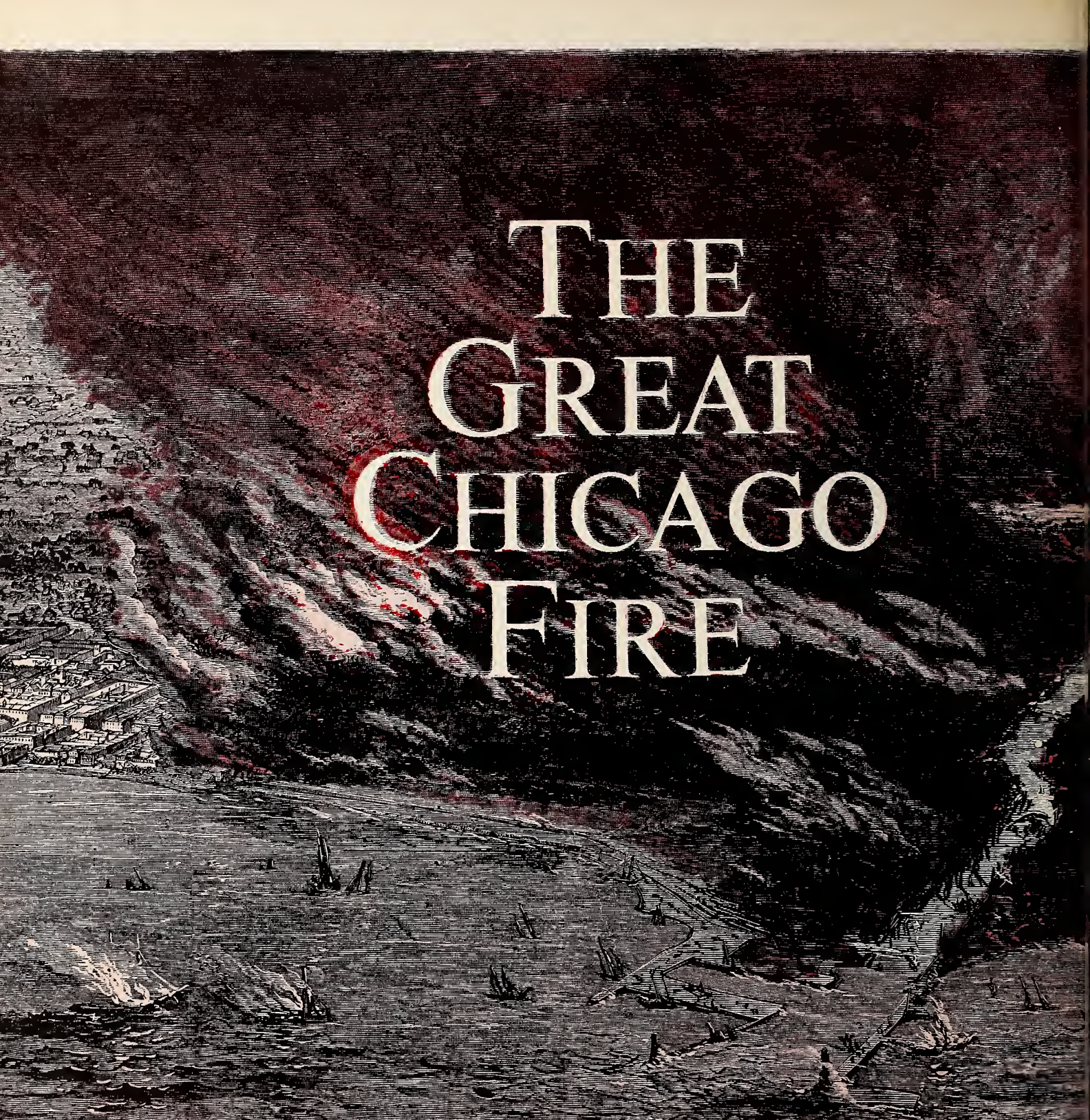
I have read in The American Legion Magazine for November the arguments in PRO & CON: Is Now The Time To Eliminate Farm Subsidies?

IN MY OPINION NOW IS THE TIME TO ELIMINATE ☐
NOT TO ELIMINATE ☐ FARM SUBSIDIES.

SIGNED _____
ADDRESS _____
TOWN _____ STATE _____

You can address any Representative c/o U.S. House of Representatives, Washington, D.C. 20515; any Senator c/o U.S. Senate, Washington, D.C. 20510.

issue, fill out the "ballot" and mail it to him. →



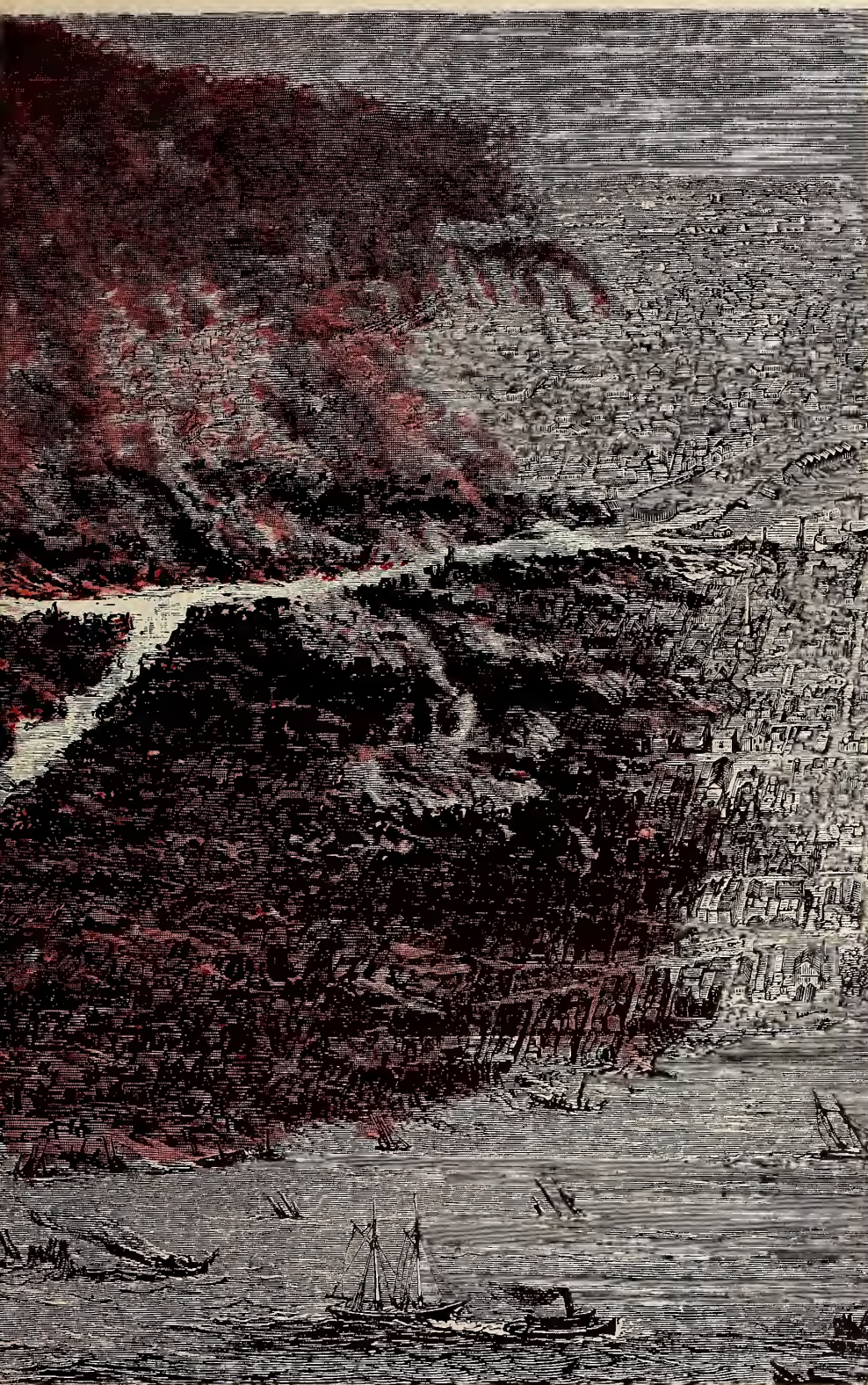
THE GREAT CHICAGO FIRE

Harper's Weekly published this drawing of the fire three weeks later. It shows the extent of the flames over the city's three districts

In October 1871, old Chicago was a tinderbox, needing only a spark to ignite it. It was struck in the O'Leary barn and for 36 hours fire ravaged the city.

By **PAUL DITZEL**

THE OPPRESSIVE Indian summer heat hovered like an ominous cloud over tinder-dry Chicago that Sunday evening, October 8, 1871. Since the day before the Fourth of July, a full 14 weeks earlier, only a smattering of rain had dampened the Queen City of the Midwest. What relief the showers had



and damage done as well to ships in the harbor.

brought to the city's 334,720 sweltering citizens was quickly blotted up by the winds that blew almost continually from off the parched prairies to the south and west and shoved away any cooling breezes that tried to intrude from Lake Michigan.

Chicago was ripe for burning. Fully two-thirds of its 60,000 dwellings were

of wood. What fire-resistant brick, stone and Athens marble structures had been put up were primarily multiple-story commercial structures in the South Division. (The city was divided into three divisions—North, West and South—by the "T"-shaped Chicago River. There were the gaudy mansions and the middle-class frame houses in the fashion-

able, residential North; industry and the crowded, dingy cottages of the lower-middle income class shared the Western division, while some of the city's worst slums were located in the South, surrounding the business district known today as The Loop.)

With temperatures registering well above 80 degrees, the city had already experienced an unusual number of fires; nearly two dozen of them in that past week alone. On Saturday night, Chicago's worst fire in nearly three years had destroyed the Lull and Holmes Planing Mill and four square blocks of cottages in the West Division. It was in the West Division, in an area of Irish and Bohemian immigrants, and some eight blocks from the mill fire, that a 35-year-old laborer named Patrick O'Leary and his family lived.

O'Leary had bought the 25-by-100-foot lot at 137 De Koven Street, on the north side of the street and almost midway between Jefferson and Clinton Streets, for \$500, in 1864. Two cottages, one immediately behind the other, and a barn at the far end of the lot stood on the property. O'Leary rented the front cottage to a railroad worker, Patrick McLaughlin, and his family. O'Leary, his wife, Catherine, also about 35, and described in contemporary accounts as tall and stout, and their children, Mary, 4, and James, an infant, lived in the other cottage.

Mrs. O'Leary ran a neighborhood milk route and kept several cows and a calf in the barn, which, that afternoon, had been stocked with three tons of timothy hay.

If little else is known of the O'Learys, even less is known of the events which occurred on their property shortly after 8 o'clock that night. Certain it is, however, that a legend was about to be born concerning history's most famous milking scene and a cow that kicked over a lantern. Perhaps the most complete account was supplied by an O'Leary neighbor, Daniel Sullivan, a drayman who walked with the aid of a wooden leg. In testimony later before a Chicago Board of Police and Fire Commissioners Inquiry, he said that out of loneliness he went to the O'Learys shortly after 8 p.m. and found they had already gone to bed; Mrs. O'Leary after complaining of a sore foot.

Sullivan then hobbled to the McLaughlin cottage where a party was in progress. Sensing he was unwelcome, he sat down against a fence across the street to listen to the fiddle music from the McLaughlins'.

Sometime after 8:30, Sullivan saw a small fire burning in the O'Leary barn. Shouting "Fire!" he hurried across the street and into the barn where he untied two cows and a calf before heat and

The Great Chicago Fire

thickening smoke drove him out. As he fled, his wooden leg caught between two floorboards. He pitched forward, caught himself, and stumbled out into the yard as the O'Learys were coming from their cottage. Patrick was scratching his head, "as if there was a foot of lice in it," and Mrs. O'Leary was "clapping her hands for grief," Sullivan testified.

Neighbors rushed from their homes with pails of water and formed a bucket brigade. Although the fire was blistering the rear of the O'Leary cottage and spreading to adjacent barns, nobody thought to turn in an alarm until William Lee, an O'Leary neighbor, ran three blocks south to Bruno Goll's Drug Store where Firebox No. 296 stood outside at Canal and Twelfth Streets. Goll had a key to the box. He ran outside, unlocked the box and turned the handle. For some reason never explained, the alarm was not received at the Courthouse fire-alarm office.

In the Courthouse, slightly more than a mile to the northeast, Fire-Alarm Operator William J. Brown was playing his guitar for his sister, Sarah, and her girlfriend, Martha Dailey, who had brought him dinner. At 9 o'clock, Sarah noticed a glow off to the southwest. Her brother passed it off as a rekindle of the Lull and Holmes fire. He resumed his playing.

Mathias Schafer, the man on fire watch in the Courthouse tower, was showing visitors the new four-sided clock the Astronomical Society had presented to the city when he, too, noticed the glare. He assumed it to be a rekindle of the earlier fire or a reflection from the West Side Gas Works.

A few minutes later, Schafer looked again. The glow had become more vivid. Focusing his spyglass, he decided that a new fire had indeed broken out. Schafer whistled down the speaking tube to Brown and called, "Strike Box 342, Canalport and Halsted."

As gongs clanged in firehouses and the Courthouse bell tolled three times, paused, tolled four more times, paused, and tolled twice, horses were hitched and steamers, smoke chuffing from their shiny copper boilers, clattered from fire stations. But the firemen stationed nearest to the O'Learys went back to whatever they were doing. Box 342 was one mile beyond the O'Learys' and out of their district.

Focusing on the glow again, Schafer realized his error, but Brown refused to strike the correct box number; maintaining, as he testified later, that the right location would only lead to confusion.

Fifteen minutes later, another O'Leary



Mrs. O'Leary and her cow. Unproved legend holds that fire started this way.

neighbor ran into Goll's. The druggist said help was on the way, but just to play safe, he turned in another alarm. That alarm was not received, either.

A citizen dashed into the quarters of the fire-fighting steamer Chicago, on Jefferson near Van Buren Street, and gave the alarm. He pointed north. The Chicago turned out of the enginehouse and headed in that direction. The O'Leary barn was to the south. But firemen on duty at the stations of the American Hose Cart and the Little Giant Engine Company did, by now, notice the flames and headed in that direction.

At 9:40 P.M., as he saw the glow spreading and flames beginning to etch the skyline off to the southwest, Brown decided to strike a second alarm to call out more apparatus. Again he tolled Box 342. The glare was so great, however, that the firemen in the district paid no attention to the announced location and headed instead for the O'Learys'.

When Chief Fire Marshal Robert A. Williams galloped onto the scene in his buggy he found five steamers, among them the Chicago—which had not gone far in the wrong direction before its driver saw the mistake—three hose carts and the Protection Hook and Ladder Company attacking the fire as it attempted to gnaw north toward houses along Taylor Street. The tall, spade-bearded chief thought that the fire could be checked with the apparatus on hand.

But Williams did not take into consideration the growing wind from the southwest, nor ill luck when the America's hose line burst simultaneously with the breakdown of the Chicago's pump. The fire leaped hungrily into the wood frame cottages on Taylor and the wind seeded firebrands among shanties along Ewing Street, three blocks north.

A hoseman approached O'Leary, he

testified later, and asked, "Are you insured?" When O'Leary said no, the hoseman turned the pipe away from the cottage and directed the stream onto adjacent buildings, presumably protected with insurance. The fact that the wind was blowing away from O'Leary's house, plus incredible luck, saved the cottage and it remained standing while others around it were leveled.

At 10:20 p.m., Brown sounded a third alarm which called out the remainder of the fire department's 185 men, 17 steam engines, four hook and ladders, 54 hose carts, two hose elevators and one fire escape rig. Still Chief Williams was confident. Even if the blaze continued north, it would run into the flattened area of the four-block Saturday night burn. That would certainly stop it.

Within half-an-hour, the wind-driven firebrands had set a dozen more fires far behind the firemen's battlelines. Sweeping up the fountains of sparks from these new fires, the wind broadcast them still farther to the north and east. Spectators who had flocked to the area now ran home and began to carry belongings out into the streets, until they found fires sprouting all around them and fled.

Sparks peppered the abandoned household goods. The wind scooped up blazing mattresses and sent them, along with other flaming debris, leapfrogging blocks ahead of firelines, plopping the burning material down, finally, on still more wood-shingled rooftops. Soon, 20 square blocks of homes were ablaze.

Flames were chewing toward Saturday night's burn faster than a man could walk, when a firebrand shot, spear-like, into the roof of St. Paul's Catholic Church, a huge edifice at Clinton and Mather Streets. St. Paul's shared the block with William B. Bateham's acre-and-a-half wood-shingle mill and the



Firemen fought hard to stem fire's spread.



Families, with what possessions they could carry, rushed to escape driving flames.

three-story Roelle Furniture Finishing Co. Also in that block were 1,000 cords of wood stacked in 25-foot-high piles and 600,000 board feet of furniture lumber. The block was quickly engulfed.

The superheated air rose, sucking up the flames in a fiery vortex. It drove them with gale-like force across the narrow Chicago River and into the South Division where more than half the city's \$700 million commercial wealth was located. First to blaze up was the block-square Parmelee Stage and Omnibus Building at Franklin and Jackson. Next to go was Conley's Patch along Fifth Avenue (now

Wells Street), an area of tawdry board-inghouses, saloons and gambling halls.

At midnight, Sergeant Kaufman, head of the U.S. Weather Signal Office, took one last look at his anemometer before abandoning his station. The device was registering 60-mile-an-hour winds. At LaSalle and Madison Streets, where the steamer Coventry was pumping water on a blazing building, the wind bent back the firefighters' streams before they could shoot ten feet from the nozzles.

James H. Hildreth, a former city alderman and well-meaning busybody, gauged the fire's ferocity and headway

and decided the best attack would be to blast firebreaks. With some volunteers, he broke into the Armory and took 1½ tons of gunpowder. After pressuring official sanction to proceed—and never quite sure he wasn't even then exceeding his authority—he and the group went to work. They set off a blast in the Union National Bank, but the explosion only blew out the windows and facilitated the entrance of sparks which quickly took root in the doomed building.

In the Courthouse tower, Watchman Schafer was stomping out roof fires while Mayor E. B. Mason, in his office

BROWN BROS.



Panicking crowds choked the bridges leading to safety, but no area was safe as the fire soon spread into every district.



Hordes took refuge in secure open area of a cemetery on the outskirts of the city.

CONTINUED

The Great Chicago Fire

below, sent telegrams to mayors of other cities: "CHICAGO IS IN FLAMES. SEND YOUR WHOLE DEPARTMENT TO HELP US." Milwaukee sent three of its five steamers. Within 15 hours, other engines were en route by railroad flatcars from Cincinnati, Louisville, Detroit, Pittsburgh and six other cities.

About 1 a.m., blazing debris crashed down on the Courthouse and set a fire that Schafer could not put out. Schafer, Brown and their friends fled, along with Mayor Mason, but not before they set the huge Courthouse bell to tolling. To the bellowing of the flames—which forced Chief Williams to yell through his brass speaking trumpet to make his orders heard—the thundering of falling brick walls and the hubbub of thousands of Chicagoans fleeing the South Division was now added the funereal tolling of the bell.

Shortly after 2 a.m., the hands melted off the tower clock and a few minutes later the 5½-ton bell crashed with a resounding clang clear down into the basement of the 3½-story building. Mason, a mayor without an office, decided he had done all he could and dejectedly walked home.

Across from the blazing Courthouse, the six-story Sherman House hotel appeared to be next. Miraculously, however, the flames leaped over it. A guest, John R. Chapin, a Harper's Weekly artist, was awakened by the pandemonium

outside. He ran to a window that looked down upon the city and later described the fire as "devouring the most stately and massive buildings as though they had been the cardboard playthings of a child. . . . One after another they dissolved, like snow on a mountain." Chapin fled just as the flames reversed themselves and flooded into the unlucky Sherman House from the rear.

Soon after, the fire hurtled the river and ripped into the North Division. Within an hour, it had consumed 11 blocks. One of the first mansions to go was that of the evangelist, Dwight L. Moody. In another 45 minutes, the fire was pushing hard toward the city's waterworks on Chicago Avenue. The firestorm drove a blizzard of sparks far out into Lake Michigan where waves were running high. John Toland, on duty two miles out at the Crib, source of the city's water supply, beat out spot fires with a broom.

One by one, most of the bridges connecting the three divisions fell flaming into the river, but not before the majority of vessels in port had been towed out into the lake. The brig *Fontinella*, its tall masts and spars blazing like a flaming Christmas tree, drifted downstream until the derelict slammed into the Chicago Avenue bridge, setting it afire and trapping many who were trying to flee the North Division.

At 3 o'clock Monday morning, a long piece of flaming timber hurtled onto the waterworks' roof. Within the hour, the pumping station had crumbled and all that remained was the ornate stone water

tower, which still stands at Chicago Avenue and Michigan Boulevard as a monument to the fire. Still the flames stalked northward, swallowing up block after block and, in their greed, turned back capriciously to overwhelm areas missed earlier in the holocaust.

The five-story Tremont House where Lincoln and Douglas had spoken in 1858 fell before the onslaught. So, too, did the Chicago Times building, as workers were preparing a special Fire Extra. A block south, the Post Office and Customs House would soon burn, along with \$2 million in cash in the brick vaults.

With fires raging unchecked in all divisions, all sense of organization and direction gone from firefighting efforts, and water fast petering out of mains no longer fed by the waterworks, Chicagoans fled by the thousands. They carried with them what they could. Wagon drivers demanded \$100 and more to haul steamer trunks and whatever businessmen could salvage from their stores. Some draymen dumped the stuff after a few blocks when they received better offers. Horses to pull wagons and to carry refugees were at a premium. Firemen, busy battling the flames, had their steamer horses taken and were forced to drag the apparatus themselves to better vantage points.

Looting flourished. A man was killed at Randolph and Wabash Streets when a bolt of cloth thrown from a window by a looter struck him. Troughs burst into saloons and plundered. Drunken fighting began and was broken up only by the

(Continued on page 45)

(Readers may find this series of value on future motor trips or of interest to students of American history. We suggest you clip and save each as it appears.)

By **ALDEN STEVENS**
Field Director, Mobil Travel Guide

NEW CASTLE, DEL., six miles south of Wilmington, off I-295, is one of the most delightful, historic towns in the United States.

Around The Green and Market Square in New Castle are grouped the Old Court House, the U.S. Arsenal (1809) and the Immanuel Church (1703), just a few of the more than 40 architecturally fascinating buildings and houses built here between 1675 and the Civil War.

First settled by Swedes and Finns in 1651, New Castle was taken over by the Dutch and named New Amstel in 1656. It was renamed in 1664. Its excellent harbor made it an important early port, and it was also one terminus of the New Castle and Frenchtown Railroad.

In 1682, William Penn arrived at New Castle with deeds from the Duke of York giving him possession of all the territory within a 12-mile circle around the town, plus lands to the south of that circle.

New Castle is small and the best way to see it is on foot. The Board of Trade



has published a map briefly describing about 60 points of interest.

The Old Court House, on The Green, was used as Delaware's State House (1776-1777) when the town was the capital of the state. The early Georgian central part of the structure has an octagonal cupola. Its beautiful interior has been restored. The U.S. Arsenal was once commanded by Maj. Benjamin K. Pierce, brother of President Franklin Pierce. The Immanuel Church (1703), is the mother church of the Episcopal Diocese of Delaware.

Just across Third St. from The Green are half a dozen wonderful old houses including the Dutch House Museum, generally regarded as the oldest dwelling in the state. Don't miss it.

At the corner of Fourth and Delaware is the Amstel House Museum. This was built before 1730 and Gen. George Washington was a guest here.

Opposite The Green on Delaware St. are five houses, most not open to the pub-

SEEING HISTORIC AMERICA #39

A travel series for motorists

NEW CASTLE, DEL.— FROM 1651 TO NOW



Two of New Castle's oldest buildings, the Academy and Immanuel Episcopal Church

lic, all built during the 16th and 17th centuries. From northwest to southeast these are the Booth House, built about 1750; the Chief Justice Booth House (1730); the Gilpin House (1797), so named because Chief Justice Edward W. Gilpin lived here between 1857 and



1876; the Janvier House, built about 1800 by William B. Janvier; and the William Penn House, where Penn is said to have slept in 1682.

Six miles northwest of Wilmington on DEL 52 are the famous Winterthur Museum and gardens, with 100 rooms furnished in the period of 1640 to 1840. (Except for ten rooms, an advance reservation is required; there is a fee). Wilmington, founded in 1638, is the home of the Hagley Museum, just north of town off DEL 141, which includes exhibits on early American industry.

1967 Motel and Restaurant Info:

Excellent—Howard Johnson's Motor Lodge, 2 mi. north at Delaware Memorial Bridge Plaza, near I-295 and US 40. 105 A/C rooms, pool. Restaurant, bar. (302) 656-7771. **Excellent**—Gateway Motor Inn, 1 mi. west on US 13 & US 40. 150 A/C rooms, pool. Restaurant, bar. (302) 328-1383. **Very good**—Lynnhaven Inn Restaurant, 1½ mi. west on US 13 & US 40, 3½ mi. south of Del. Memorial Bridge. Specialties: shish kebab, prime rib. Closed Thanksgiving, Dec. 25. Bar (302) EA 8-2041. (There are several other fine motels in New Castle and others in Wilmington. See MOBIL TRAVEL GUIDE to the Middle Atlantic States.)

The book "Delaware, A Guide to the First States," is recommended reading.



How to Protect Your Credit Rating

A look at how credit managers size you up when you ask for easy pay, and how to make 'em like you.

By JOE GORES

IF YOU HAVE always paid cash and never owed a dime you might be surprised to learn that you're a bad risk for personal installment credit. It's an oddity of the credit world. Explains a credit man of a large banking complex: "A man who has never borrowed has never shown that he can pay regularly, and a lack of credit history suggests something hidden—perhaps a past bankruptcy."

Ours is largely a credit economy today. A good credit rating is a virtual necessity and a precious possession. Before any institution will lend you money for a car, furniture or household repairs it will examine your resources and record. He who always paid cash has no record to examine. In fact, *no* credit rating is really worse than a *poor* one.

"Today it's easy to start building a credit history young," says a mid-eastern bank manager. "They even have charge accounts for kids. Whatever parents might feel about it, they're doing their children a favor by letting them open a charge account in college or high school."

Note that he said "a" charge account. Estimating a level of credit spending is difficult for *anyone* unfamiliar with time

payments; for teen-agers it is nearly impossible. One charge account at a time should be the inflexible rule while credit habits are being formed.

Adults charging for the first time will probably need a cosigner, someone who trusts the borrower and who has a proven credit history of his own. Another problem frequently encountered by today's highly mobile consumer who changes jobs and addresses quite often is that of establishing credit in a hurry in a new locale.

"The easiest way is to go to the local credit bureau in the area to which you have moved," says the manager of a loan company. "For a three-to-seven dollar fee, this bureau will get your credit history from the bureau in your former town. When you apply for credit, merely refer prospective lenders to the local credit bureau for your records. It saves both you and the lender a great deal of time and expense."

Most towns of 5,000 or over have a credit bureau, and they usually can be found in the yellow pages under "Credit Reporting Agencies." If you can't find one, ask the local bank.

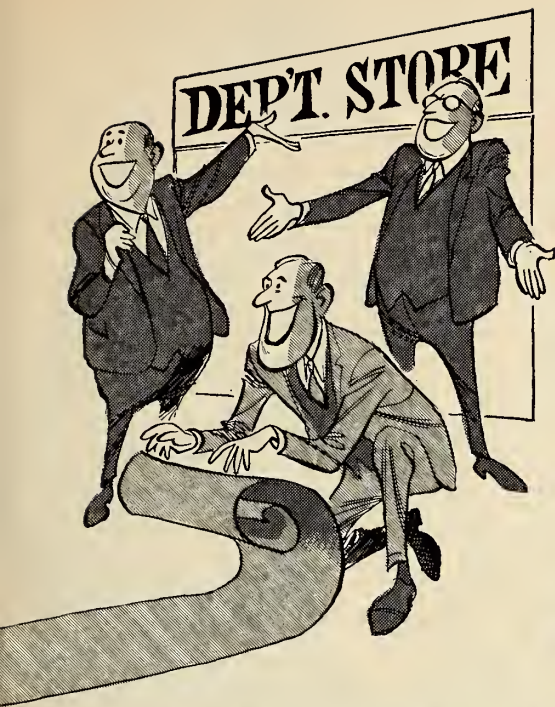
To the average Joe, all this might seem a bit unnecessary. After all, not all of the customers so eagerly sought by fiercely competing financial institutions and retail outlets will have good credit ratings. In a consumer oriented, credit based

economy, it seems that even the person with a lousy credit rating can buy on time. And talking with a repossession agency manager seems to bear this out.

"Our classic example is a retired Army colonel, a full bird with full pension, who *could* pay but *wouldn't*. Over a five-year period we repossessed nine different Cadillacs from him—which had been purchased from nine different dealers. He had that government pension, you see, and the credit managers almost drooled over him. Of course, he



Credit raters think one charge account for a kid is part of a good education.



The red carpet is out in the marketplace for the credit-seeker with a good rating.

sort of 'forgot' to tell them about all those previous repossessions."

But against the story of the larcenous colonel, he balanced that of a divorced man with an excellent credit record who applied for a major oil company credit card.

"That was this year, 1967, and he was turned down flat. When we checked into it, we found that it was because of an unpaid service station bill for \$72 from 1948 with a different oil company."

He and his ex-wife had separated in 1948, and she had run up the charges against his account after the separation. Angered, he had refused to pay the bill. Over the years he had forgotten it but the oil companies' credit-checking network hadn't. His application was rejected even though the bill had long since been killed by the statute of limitations.

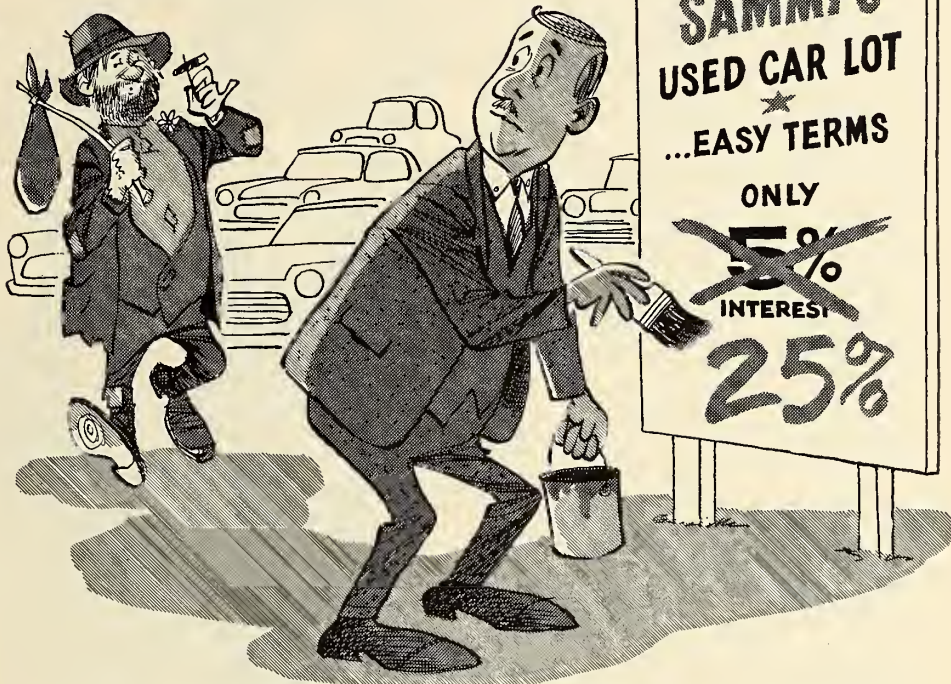
"A lot of poor credit ratings are the result of domestic difficulties like that. Make no mistake, you can buy on time even with a lousy credit rating—but you'll pay for it. It's the difference between going to your banker for a 4% a year auto loan, or going to *Uncle Thievery's Used Cars* and paying 12% a year."*

* (The interest rates most often quoted here are not simple annual interest, but the common "add-on" or "discount" rates usually cited for installment loans. See "The Organized Confusion of Easy Credit," *American Legion Magazine* (July 1966). The true simple interest rate is approximately double these. Most bank auto loans today are closer to 9% than 4%, and *Uncle Thievery's* "12%" can run from a true rate of 20% all the way up to 100%.)

ILLUSTRATED BY BOB CLARKE

Before the House of Representatives right now is the so-called "truth-in-lending" bill, which cleared the Senate in July with a resounding 92-0 vote. If made into law, this bill would force retailers and lenders to state explicitly both the effective interest rate they are charging, and the cost of credit to the borrower in dollars. Its backers claim the bill will let credit costs find their "true competitive level in a free enterprise economy."

Maybe interest rates will or maybe they won't find new levels if the act is passed. The public will find that true simple interest rates on unpaid balances are just naturally higher than it had sup-



The poorer risk can get credit, sometimes, by paying through the nose, if he lacks a bankruptcy, repossession or "slow pay" record. These are now harder to hide than ever.

posed, whether the "true level" changes or doesn't change. And you will realize more clearly, perhaps, that there is no one "true" level, but that interest rates are different under different circumstances, among which *your* credit rating is one.

A good example of how this works is an automobile dealership which is able to finance its own sales rather than running the contracts through a bank. Such a dealership will accept many applicants whom a bank would reject, but it will demand higher carrying charges to compensate for the larger risks involved.

"A bad credit report will not necessarily kill a deal with us," one auto dealer credit manager explained. "We look at the total picture of the borrower's financial status. If he has a record of slow pay, I ask *why*? Illness, past domestic problems, temporary unemployment . . . If his bad rating is a result of such a problem, I accept the contract, determine what he can *reasonably* pay per month,

and write his contract for 48, 60, even 72 months if need be, at our standard 8% per year."

The man who is getting this extra service, of course, is paying extra for it. If, say, he is financing \$2,000 of his car's cost on a standard 36-month contract at a so-called 8% per year, he is paying roughly \$300 in carrying costs (an effective simple interest rate of 15%). His 8% "add-on" interest is *per year on the*

balance at the beginning of that year, regardless of how much he pays back during the year.

How would a man with a *good* credit rating, also financing \$2,000 of his car's cost over three years with this dealer, benefit from the fact that he is a better risk than the other man?

"When we tell him our interest rate is 8% a year, he probably will object, because he can go to his bank and get 5%. Because our exposure to loss is less with a good credit rating, we can afford to meet the bank's 5% "add-on" interest rate in order to keep the customer."

In dollars, this means the second man pays less than \$200, and his simple interest rate is about 10% instead of 15%. His good credit rating has saved him over \$100 on his purchase of his new automobile.

Auto leasing has gained great popularity today, especially with professional people who can write off the majority of their auto expense as a tax deduction.

CONTINUED How to Protect Your Credit Rating

Leasing firms are even more sensitive to good credit, because the lease customer has no cash equity in the vehicle. When you buy a car, about one-third of the auto's purchase price (\$1,000 average) is put down when the sales contract is signed; but when you lease one, the agency gets only the first month's lease (\$75 average), the license fees, and sometimes a \$100 or \$150 security deposit. The lease customer who "goes sour" is much more apt to "walk away from" the vehicle if he can't pay, having no stake in it.

"Established credit is *most* important," explained the attractive female credit manager of a large auto leasing company. "We use several credit-checking agencies on each contract we write, and I evaluate their data on the basis of four criteria. Is there a previous bankruptcy? A previous repossession? Is there a history of slow pay? Has there been a frequent changing of jobs? We may still lease to a poor credit risk, but if we do it will probably be a smaller car than he asks for. He comes in talking Lincoln, and goes out driving Ford. His payments will be smaller, and our potential loss exposure is less because the car's value is less."

What is true of autos is true of retail credit generally, whether for furniture, appliances, general merchandise, sporting goods or musical instruments. The poorer the credit rating, the more marginal the retailer who will extend credit, and the higher the carrying charges. Testimony in the Senate during the seven-year debate over the "truth-in-lending" bill highlighted that it is the compulsive or uninformed buyer—whose credit rating usually is poor—who ends up paying fantastic carrying charges to unethical retailers: 108% true simple annual interest on a sofa; 143% on an accordion; 229% on a TV set!

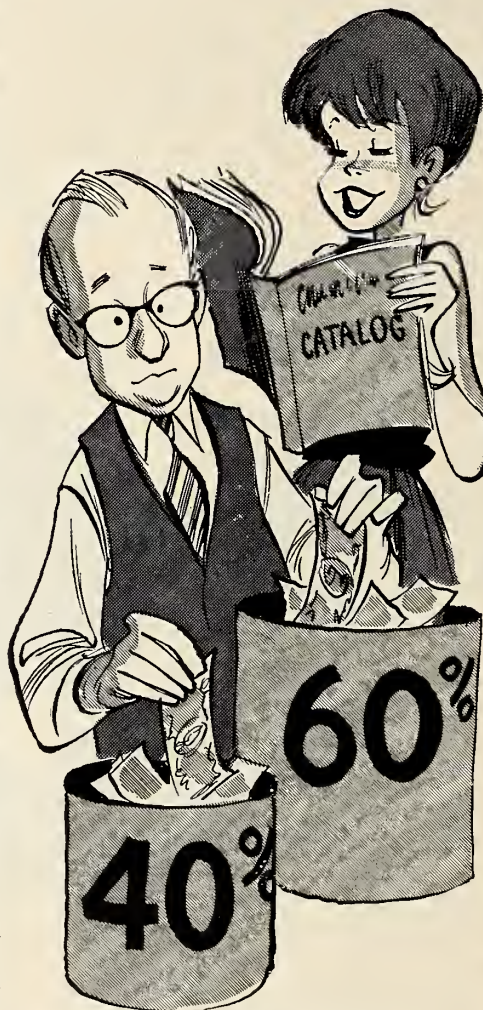
The good credit rating becomes even more important when we move into the complex credit banking field where loans of every sort are made: installment consumer loans; home purchase loans; equipment loans; chattel mortgage loans (the borrower's auto or household goods used as collateral); home modernization loans; and personal unsecured "signature" loans. Any discussion of credit banking should center on California banks, for they lead the nation in credit innovation and sophistication.

"California banking practices would curl your toes," reports an eastern bank president. "But in a few years we'll be doing the same things here. We'll have to, just to compete."

A California banker replies: "We've

been forced into novel methods by our tremendous population influx. Take a look at our growth figures and you'll understand what I mean."

Between the census of 1950 and that of 1960, California's population grew nearly 50%—as compared to a 13%



40% of your income is the absolute limit you should pledge for installments.

growth for New York and a 15% growth for Illinois. And California's rate of population increase has quickened since 1960. For nearly 20 years, some 10,000 people a week have poured into the state to settle. Lending institutions have met this staggering challenge with flair and new methods.

"We have a credit-rating system that is unique in the industry. I divide the Bay Area counties into eight consumer 'zones' or 'belts.' Given a street address in any Bay Area city, I can estimate within a few hundred dollars the value of that house because of its 'zone.' Add the pattern of the homeowner's debt payments, and I can probably tell you his race, background, education, and whether he is blue-collar, white-collar or professional."

Yet despite the relentless twin pressures of population and competition, this banker uses the same criteria for judging an application as the auto lease agency: a previous bankruptcy or repossession; a history of slow pay, or a frequent changing of jobs. To these, however, are added other credit rating "yardsticks."

"The basic issue is simple: *income* versus *outgo*. What percentage of his income goes on installment debts? A good pay in the past could now be getting in over his head, so I ask myself: will one more doctor bill or one more quart of milk break this guy's back? For a necessity loan, a history of slow pay might be acceptable; but for a luxury item, *any* bad credit experience during the past five years will kick out the loan. Dependents are important: they mean more stability, but they also mean higher medical bills. Number of years on the job, number of years in the area . . . I look closely at his 'skip potential'."

"What do you mean by that?"

"If he's a young unmarried, he really has nothing vital holding him down. When he gets into a financial bind, he's more likely to just skip out—leave town in the middle of the night."

A question about credit cards proving reliability brought this retort:

"Credit cards in themselves don't mean a thing—it's the balance carried against them that's important. My experience has shown that some men with a flock of credit cards are in financial trouble—they just don't know it yet."

No matter how responsible the con-



Centralized credit bureaus are making it ever harder for bad risks to fool them.



If you have a good credit rating, but get into an unavoidable jam that threatens your ability to meet payments, don't hide. Go to your creditors and tell them the facts.

sumer, of course financial trouble still can come. Let's take a look at Mr. Upright American Citizen. He is buying his home for \$145 a month on a 20-year FHA-approved loan; he drives a small but late-model automobile, \$52.50 a month on a three-year contract; he has a freezer in the basement, a washer-dryer in the kitchen, and a new color TV set in the living room, with combined payments of \$67.50 a month. Thus his "hard" or installment loan indebtedness totals \$265 monthly. He's a bit extended, but he has a good job and he's a steady family man.

But then he slips on the icy front steps, falls and breaks a hip. Unable to work, he is laid off. True, there is unemployment and workman's compensation—if his state happens to have a good program—but these total just a fraction of his former income. The money has stopped; the bills keep coming. He is faced with foreclosure, repossessions, a ruined future. What can he do?

"The very worst thing he can do is nothing at all," explains a loan company official. "The average guy is secretly ashamed of what's happened to him, so he puts off acting for three or four

months, thus leaving his creditors with no way to go except trying to salvage what they can. He should start at the front, warn them *beforehand*."

The moment you can assess the extent of your financial woes, go to your bank, your auto dealer, your finance company or retail merchant. Tell them exactly what happened, why it happened, and ask them what you can do about your debts from their viewpoint.

"No reputable lending institution *wants* him to go under; nobody *wants* to take back a beat-up car or a houseful of used furniture. Banks, for instance, look to the future: they still want to have this man's banking business for the next 30 or 40 years. With forewarning, they can break or bend rules, let him stretch out his debts, spread those payments over a longer period of time."

The man with substantial equity in home, car and household goods can re-finance them with the seller: have the contract rewritten for an extended period of time with lower monthly payments. Or the man who has been a good credit risk can get a consolidation loan from his bank or finance company. This means borrowing a lump sum, paying off all his

other installment contracts, and thus owing only one long-term, low-payment balance to one creditor. Because of the longer contract, he will pay *more* interest, but he will protect his credit standing.

But what if he has been careless about his credit in the past?

"A poor risk who's been dealing with mickey-mouse outfits is dead going in if he gets into an emergency 'can't pay' jam. He may just as well let his things go back to the dealers, since he doesn't have a decent rating to protect, and no one will want to extend extra time anyway. The one thing *nobody* ever should do is file bankruptcy as a way out. A creditor often can swallow a year or so of slow pay; he can't ever swallow a bankruptcy."

Bankruptcy is perhaps the most deadly modern consumer trap. Unscrupulous "advisors" advertise "a new and easy way to solve financial problems" and "pay off all your bills." They then advise you to file bankruptcy. For \$300 you can wipe away thousands in overdue debts; and you can legally repeat the process every seven years. In Los Angeles, 2,200 bankruptcies are filed *each month*, such an alarming number that concerned businessmen have set up a free service to advise customers who get into financial trouble.

Filing bankruptcy as a way out of legally contracted debts may seem appealing; it is, however, a snare and a delusion.

"The kiss of death," says our California banking friend. "A bankruptcy on an applicant's credit record will kill the loan 100% of the time with us. Though the debt has been *legally* discharged, it has *not* been paid in full. It still is carried on his former creditors' books. And the man who has taken the easy way out once will probably take it again. You can see it on his credit history. About five years after bankruptcy, he begins edging into debt again. Two more years, he's over his head, and he does it again. As far as we are concerned, it takes a lifetime to outlive a bankruptcy."

An official of the Federal Housing Administration confirmed this view. FHA exists to facilitate home ownership for American citizens (and non-citizens) living in this country. With FHA approval, lending institutions can make higher-ratio loans for longer terms than they can under the regular lending laws. FHA evaluates the property, analyzes the borrower's application, and dictates the conditions under which the loan will be approved.

"Twenty years ago we were okaying loans we wouldn't even look at today. Now we consider the applicant's pattern of living and examine *everything* which might affect his credit rating: marital status, present obligations, past record of

(Continued on page 48)

November 11—Veterans Day



November 11 is observed as Veterans Day. The name loses something from, and gains something over, its former name—Armistice Day. Originally it was the observation of the cease-fire of the First World War, the Armistice of Nov. 11, 1918. Thus it is a sort of Victory Day, or End-of-the-War Day. WW2 had two more end-of-the-war days (VE and VJ Day). Then came Korea with its cease-fire. So Armistice Day was changed, as a sort of “holiday saver,” to Veterans Day, to mark on just one day the end of all wars of this century, though they occurred on different dates. Not a day to memorialize the suffering of veterans, Veterans Day instead marks their achievements. Angela Calomiris’ strong photo, above, taken in a VA hospital, reminds us though that there are still veterans who, after several decades, have not enjoyed and never will enjoy the full fruits of those achievements, but must celebrate from the inside looking out.

NOVEMBER 1967

**SWEEPING VETERANS' BILL GIVES
VIET ERA VETS WAR STATUS; RAISES
"COLD WAR" SCHOOL AID; UPS PENSION
BENEFITS; EXTENDS WW2 MORTGAGE REDUCTIONS;
AIDS WIDOWS; OK'S ON-JOB, FARM AND
FLIGHT TRAINING FOR "COLD WAR" VETS:**

The President signed the final compromise version of Senate Bill 16 on the 31st of August, enacting it into Public Law 90-77, also known as "The Veterans' Pension and Readjustment Assistance Act of 1967." . . . It became fully effective on Oct. 1 . . . The law touches on benefits for veterans of different eras across a fairly broad sweep of benefits.

In general it extends wartime benefits to Vietnam vets (veterans of honorable service in the Armed Forces anywhere since Aug. 5, 1964) . . . It liberalizes and improves educational benefits under the "Cold War GI Bill" for all veterans of honorable service since the end of the Korean War, including Vietnam vets . . . It makes numerous improvements in pensions for eligible veterans and veterans' widows and children, going all the way back to before the Spanish-American War . . . It extends in some cases the final date for eligibility to a WW2 VA guaranteed home mortgage . . . and it increases the amount of a GI mortgage that the VA can make with a direct loan (ie: from the VA rather than a private lender) in credit-short areas where the VA is permitted to make direct mortgage loans to veterans . . . The law also contains several provisions which beneficially affect a limited number of veterans and their widows who are in special circumstances . . . Thus it shortens the requirement for duration of a marriage to one year in order to pay VA death benefits to a widow of a veteran, and to no time limit at all if a child is born of the union.

The granting of wartime status to veterans of the Vietnam era is an extremely important provision for them . . . Many existing wartime benefits are either not available or are cut back for "peacetime" veterans . . . Until the new law recognized the Vietnam era as a "period of war" (starting Aug. 5, 1964) for the purposes of veterans benefits, modern servicemen were "peacetime vets" in the eyes of the law.

Among the older wartime benefits to

which they are now entitled under their change of status are:

(1) Compensation for war-disabilities (wounds or disease) at the wartime rate, without further question as to the rate. . . The peacetime rate of monthly compensation for disabilities suffered in service is substantially lower . . . The war rates were available to Vietnam era vets previously only on a showing of the disability having been incurred while on "extra-hazardous" duty.

(2) Eligibility for non-service-connected veterans pensions, for which entitlement is based on a combination of disability not connected with military service; unemployability arising therefrom, and limited income . . . Their dependents are also eligible for pensions in the event of their deaths, under the terms of existing survivors' pensions . . . Veterans pensions have never been available for peacetime veterans.

(3) Burial allowances, subject to the same conditions as other vets.

(4) A two-year "presumption of service-connection" for psychosis . . . Technical as it sounds, this will be an important benefit for some who first show outward mental or nervous reactions to their military service up to two years after discharge . . . Unless it can be shown that the condition existed prior to service, its appearance within two years automatically entitles the honorably discharged veteran to VA medical care without further proof that it was incurred in service (which may be impossible proof) . . . For compensation the "presumption" is one year.

(5) An allowance of \$1,600 toward an automobile for certain seriously disabled veterans, and an end to a time limit for applying for the allowance . . . This allowance applies not only to Vietnam era vets, but goes back to cover all otherwise eligible veterans of service since Jan. 31, 1955 (when the Korean War eligibility terminated).

(6) Any and all other existing benefits for which war-service is a requirement.

Pensions. The new law increases by up to 8% the payment of pensions to veterans and their dependents who are under the so-called "new law" now over seven years old . . . There are

VETERANS NEWSLETTER

increases for single veterans, married veterans, veterans' widows, and increases related to the number of dependents of veterans (up to three) . . . and per child for widows . . . The "housebound" veterans' pension rate is upped \$40 a month . . . A flat "housebound" rate of \$100 a month is established for the so-called "old law" veteran pensioners, if they meet the "housebound" conditions . . . It is in lieu of the standard \$66.15 or \$78.75 rate for those who have elected to stay under the "old law" . . . The "housebound" rate is also payable to "old law" veterans who receive the higher rate for "aid and attendance," when that is reduced because of being in a VA hospital.

The requirement that a veteran pensioner must show 10% disability at age 65, to meet that part of the pension requirement that calls for a showing of disability, was wiped out . . . Disability at that age is henceforth "presumed" without proof, leaving income and employability as the chief pension criteria . . . This is an excellent change . . . Virtually all pension applicants have been able to show at least 10% disability at 65 . . . It was a waste of a veteran's time, the government's time and of medical examinations to hold to the 10% rule.

The law allows the following new exclusions from income that tends to reduce pensions:

- (a) The amount paid by a wife for a veteran's last illness,
- (b) The amount paid by a wife or widow for the last illness and burial of a veteran's child.

Widows of veterans of the Spanish-American and earlier wars receive a \$70-a-month increase in pension (there are few of them left).

The "aid and attendance" allowance is extended for the first time to widows who are eligible for VA pensions . . . Widows in receipt of VA pension who can satisfy the conditions that establish their reliance on aid and attendance will receive an added \$50 a month pension.

The law provides that a showing that either a pensioned veteran or a pensioned widow is a patient in a nursing home is sufficient of itself for an award of "aid and attendance" benefits . . . This, too, avoids a lot of red tape in cases where entitlement is a foregone conclusion.

Educational Benefits for "Cold War"

and Vietnam vets:

School allowances for veterans of service since Jan. 31, 1955 (and including Vietnam vets), were generally increased (for those taking approved courses under the "Cold War GI Bill") . . . Full time monthly rates went to \$130 for a lone veteran; \$155 for a veteran with one dependent; \$175 (two dependents), and \$10 more per dependent in excess of two . . . Comparable increases were made for those taking part time or cooperative courses.

The law provides that a veteran who uses "Cold War GI Bill" school benefits to finish high school, or to take a needed refresher course before going on to higher education, will not thereby exhaust any of his entitlement for college or other higher training.

The original "Cold War" educational bill had omitted authority for aid in on-the-job training, farm cooperative training or flight training . . . The new law embraces them in the program, with rates that reflect an expectation of some earnings on-the-job and on-the-farm . . . Flight training is permitted with limitations that restrict the purpose to learning flight for professional reasons.

War Orphans Education. The so-called Junior GI Bill, giving GI education aid to children of war-killed veterans, was amended to set the maximum age for schooling at 26, up from age 23.

WW2 GI Loans. The automatic cut-off date for making WW2 VA loan guarantees (which had already come and gone) was extended to July 25, 1970 . . . It does not restore eligibility to those whose time ran out based on the individual formula for expiration, but extends the final cut-off date for those whose formula phase-out would carry them to or beyond the new date . . . But the law gives a 90-day extension beyond Oct. 1, 1967, for WW2 vets who are or were "formula-ed-out" of WW2 VA loans on or after last July 26 . . . Until the new law was passed, the door was closed to all new WW2 VA loans as of last July, even if a veteran's individual formula (based on his service time) gave him more time.

The limit of direct VA loans for housing was upped to \$25,000 . . . It isn't mandatory on the VA, but permits it to decide that it should go that far . . . in Alaska, for instance.



The Golden Gate National Cemetery at San Bruno, California—closed to new burials since May 1967.

The Crisis In Our National Cemeteries

Legion's bill, calling for nat'l cemetery system under VA authority, is introduced in the House; planned, orderly cemetery growth is vital; Legion asks removal of burial restrictions at Arlington.

On Sept. 11, Rep. Olin E. Teague (Tex.), Chairman of the House Veterans Affairs Committee, introduced in the House of Representatives a national cemetery bill (HR-12801) at the request of The American Legion.

The bill would place all national cemeteries under the jurisdiction of the Veterans Administration, it would initiate an orderly program for the expansion of national cemeteries, it would centralize responsibility and funds for cemetery care and planning in one agency (VA), and by that act would bring cemetery policy in the Congress under the committees which handle veterans affairs. This much would be a long step toward realization of the Legion's 1967 convention-adopted national cemetery policies (though it would not resolve the problem of restrictions on burial at Arlington National Cemetery).

The national cemetery situation is at a crisis. Debate on it in the government today centers on systematizing the cemeteries or abandoning them.

The United States has had, since the days following the Civil War, national cemeteries for the interment of those who served in its armed forces. But the policy of administering them has not *always* been systematic, while their distribution and adequacy *never* have.

In addition, private cemetery interests

have long opposed the establishment of a national cemetery system.

Our haphazard cemetery policy is partly explained by the fact that operation of the 115 national cemeteries—both here and overseas—is variously under the control of the Department of the Army, the Department of the Interior, the National Park Service and the American Battle Monuments Commission. Of the 98 national cemeteries in the United States, 85 are under the control of the Army and 13 under the Department of the Interior.

There are also 17 Veterans Administration cemeteries located throughout the country which are available for burial. Many of these are reaching their capacity and since there is no plan for enlarging them, they will be closed to burial when full. Burial in VA cemeteries is limited mainly to those members or patients who die while receiving hospital or domiciliary care in a VA installation. The overseas cemeteries handled by the American Battle Monuments Commission are closed and inactive.

As of Sept. 30, 1966, there were 1,110,071 persons interred in the 98 national cemeteries. Of this number, 951,521 were known and 158,550 unknown dead. The 85 cemeteries under the Army's control had 1,027,885 interments, including 915,900 known and

111,985 unknown dead. The Department of Interior's 13 cemeteries had a total of 82,186 interments, of which 35,621 were known and 46,565 unknown dead. The cemeteries had on that date a total acreage of 4,054, of which 2,689 acres had been developed.

All told there are over 40 million living persons eligible for national cemetery burial—though far from all eligibles or their survivors claim the privilege.

Latest official figures tell us the nation now has more than 25 million living veterans. In addition, 50,000 more veterans are being created each month due to the Vietnam War and other defense manpower needs. Thus the picture for the future gets worse when the new veteran and his dependents are added to the present eligibility pool.

The Legion has long fought the battle for a national cemetery system. Although burial sites have been added over the years to some facilities that were about to close for lack of room, the problem has not diminished. The need for national cemetery space and a planned, flexible system is more acute than ever. If something isn't done, and soon, the privilege and honor of burial in a national cemetery will mean nothing.

Under present national policy—accumulated by laws over a period of more than a century—each veteran and certain of his dependents are entitled to burial in a national cemetery. This is the nation's way of paying a final but lasting tribute to those who served it.

But in many areas right now, this is mere lip service to the intent of the law since it is no longer physically possible

to implement it, with cemeteries filled and no adjacent or nearby land to annex.

The problem gets personal when living relatives who wish regularly to visit the gravesite learn that the place of burial may be hundreds of miles distant.

According to Secretary of the Army Stanley R. Resor, burial entitlement is a haphazard proposition at best. He notes: "The national cemeteries are mainly located near Civil War battle-grounds. Inasmuch as decedents are usually buried where they lived, and where their families continue to live, and since there are no national cemeteries near such population centers as Chicago, Los Angeles, Detroit, Cleveland, Dallas, Miami and so on, the burial entitlement has turned, not on the veteran's status, but on the accident of geography. In short, the entitlement is not available in a fair and even handed manner to all or even to a majority of eligible veterans."

A recent government study also showed "that the privilege of burial in a national cemetery is effectively available to only a small part of those who are legally entitled to interment. In general, about 83% of those interred had lived within a 50-mile radius of the cemeteries. The close relationship between proximity and the use made of national cemeteries also is shown by the fact that 87% of all burials occur in 9 installations located close to large metropolitan areas."

Of the 98 cemeteries in question only 69 have any available gravesites left. The rest are quite generally closed for new burial arrangements.

Twenty-two states lack either any national cemetery or one with available grave space.

It is estimated that between now and 1985, at least 40 other national cemeteries will have been closed. Though some of the remaining cemeteries will be open beyond the year 2000, their placement far from dense population centers makes questionable the extent of their usefulness to a great many eligibles unless there are massive population shifts in the next generation.

Even Arlington, known largely because of its proximity to our nation's capital and the noteworthy and great who are buried there, is in a space jam. It will have to close around 1986 if new space is not found. Only development of an expansion area on the South Post of Ft. Myer along with an emergency set of restrictions limiting eligibility have made it possible for Arlington to remain open even that long. One of the largest, Long Island National Cemetery at Farmingdale, N.Y., with well over 120,000 interments now, will probably

have to close by 1975. Its closeness to the great New York metropolitan area assures that—unless new land is acquired for expansion.

Despite the present obvious need and the future more crucial need, despite the wishes of the people and the laws of the land, and despite the new war-dead returning from Vietnam, the federal government still clings to the notion that "further expansion of the national cemetery system would inevitably be both inequitable and extremely costly." Also, that the best way "for the federal government to participate in the burial of veterans is through the payment of cash burial allowances. These are now provided for by payments made by the Veterans Administration and under the Social Security System."

The Legion objects that such money payments cannot supplant the privilege of burial in a place of honor in a national cemetery. Those who want to be buried there are motivated by reasons of honor and pride in national service—not savings. The VA's burial allowance of up to \$250 assists families of veterans to defray the costs of a decent funeral and a dignified burial *wherever* it takes place. It was not intended to be a *substitute* for the privilege of burial in a national cemetery.

Neither does Social Security lump-sum death payment to survivors bear on the question of a national cemetery system. This payment comes from funds toward which the decedent himself has contributed directly through payroll deductions during his working life. It is available to veteran or non-veteran—with or without honor—as long as he has paid the funds into the system.

The cost of a National Cemetery

Major Reno Reburial

Custer Battlefield Nat'l Cemetery, Mont., was the scene on Sept. 9 of the reburial of Maj. Marcus A. Reno, 7th Cavalry officer accused but cleared of cowardice at Custer's Last Stand. Later dishonorably discharged for other causes, he died a broken man. The Legion helped clear his name so he could be buried with honor in a national cemetery. (See Aug. 1967 *News of the Legion* for background.) In photo, Montana Past Dep't Chaplain Chester Bentley says committal prayer as all-Indian Clark Stops Legion Post 135 Color Guard and Nat'l Guard officers participate.



System, the federal government has estimated, could range around \$2 billion dollars, projected to the year 2000. (When the government wants to spend money it projects the costs to the next year. When it doesn't, it projects them to the next century.)

The Legion views the \$2 billion as not a high figure over a 32-year period, when weighed against the purpose and importance of a planned and orderly national cemetery system, whose development—if committed—could be gradual.

In the coming months, national cemetery legislation should be the subject of hearings before our nation's legislators. The force of public opinion could have a bearing on the outcome. Readers who feel this problem should get the attention it deserves, may write their Senator or Representative. Some tips on how to do it are outlined on page 33.

"Need A Lift?"

Almost \$2 billion dollars in the form of scholarships, loans and part-time jobs is available to assist students during the next school year, reports the Legion's Americanism Division.

Information on how to get next to some of this assistance is contained in the Education and Scholarship Program's 17th edition of "Need A Lift?," a handbook the Legion compiles in cooperation with 197 national organizations which lists hundreds of college and vocational school scholarships available to qualified high school students.

For parents with children thinking about furthering their higher education, this is an extremely valuable guide. There are scholarships to be had that many people don't even know exist, thus cash help for students goes begging for

want of takers. It has been estimated by experts in the field that the average college graduate earns \$140,000 more in his lifetime than the average high school graduate. "Need A Lift?" can lead students to better opportunities.

Cost? Legion posts can get five copies of "Need A Lift?" for placement in libraries and classrooms for \$1.00 (prepaid). Single copies go for 25 cents each (prepaid). Quantities of 100 or more are available at 15 cents each (prepaid) from: The American Legion, Dept. S., P.O. Box 1055, Indianapolis, Ind. 46206.

American Education Week

The week of Nov. 5-11, which embraces both Election Day and Veterans Day, has been designated nationally as American Education Week.

The theme of this year's observance, the 47th, is "How Good Are Your Schools?" It is a question that concerns everyone since there are more Americans now in school than ever before in the history of the nation. Three out of every ten are occupied—as students or teachers—in the process of education. Thirty-seven million children are enrolled in elementary schools, 13.7 million in high schools, and 6.5 million in colleges and universities.

The American Legion and the National Education Association have been associated in this project since 1921. Later co-sponsors were the National Congress of Parents and Teachers and the U. S. Office of Education.

Individual Legionnaires and Legion posts not already involved in community

NEA And Legion Leaders Meet



Nat'l Cmdr William E. Galbraith (cap), Nat'l Education Ass'n Pres. Braulio Alonso (glasses), and Legion Nat'l Americanism Chmn Daniel O'Connor (N.Y.) discuss upcoming American Education Week (Nov. 5-11) at Boston Nat'l Legion Convention. (See story on this page.)

projects in connection with American Education Week are invited to visit their local schools during that period.

How To Write Your Congressman

There are occasions when Legionnaires may want to communicate their opinions on issues to their duly elected representatives in Congress or local government bodies.

Here are some tips on how to handle such correspondence.

Briefly put, to be most effective you should keep your letters short, simple and straight to the point. However, we've culled some additional information from a recent Research Institute bulletin which will provide informed background for letter writers.

Your Congressman *wants* to know what you're trying to say. But he wants to know it *fast*. He's got an awful lot of reading to do. So it stands to reason

he can't possibly read every letter that comes into his office.

But his staff does. It's their job to read, sort and catalog the mail. They count the pro and con writers on issues, pick certain letters for individual responses, prepare routine replies for others and generally provide the legislator with an informal poll on issues. Naturally, mail from constituents is considered most vital.

When writing on issues, whom should you contact? First of all, your own Congressman. He's the one you are most likely to influence. As his constituent, you are the one he's most interested in pleasing or hearing from.

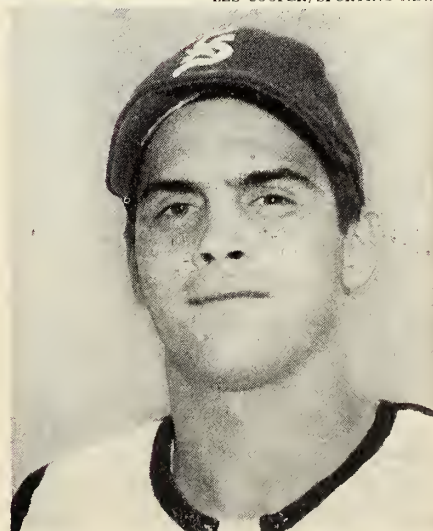
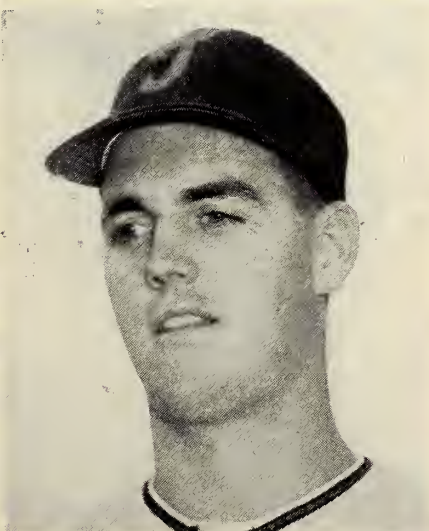
When a Senate or House committee is holding hearings, the Chairman of that committee is a very important cog in the wheel of legislation. Definitely, he should get your opinion. You should also write original letters to the ranking minority member of the committee and your own legislator. Carbon copies won't do. Originals get more attention.

You should stick to one subject at a time. You'll be much more effective. Because of the great pressure of mail, staff personnel may only scan letters, see the first bill you mention, and miss any others. Multi-subject letters also create reply and filing problems plus increase copying costs.

Your letter should be no more than one page long and your point should be made in simple direct language. Tell your Congressman why you are for or against a particular piece of proposed legislation. Let him know just what effect you think the bill will have on your life. Naturally, you will have to know some-

American Legion National Baseball Award Winners For 1967

LES COOPER/SPORTING NEWS



THESE ARE The American Legion's 1967 National Baseball Award winners. They received their honors at the Legion's World Series held recently in Memphis, Tenn. At left is Ray L. Larsen, 18, of Northbrook, Ill., Baseball Player of the Year. In center is Randy

Ryan, 18, of Tuscaloosa, Ala., winner of the James F. Daniel, Jr., Sportsmanship Award. At right is Joseph Cherico, 18, Wilmington Manor, Del., The American Legion Batting Champion. Larsen's photo will go into the Baseball Hall of Fame at Cooperstown, N.Y.

thing about the contents of the bill before you communicate with him.

If you are the head of your own business, use your business letterhead to write to him about business legislation. If you are the post commander or chairman of a commission or committee in the Legion or some other organization and you are writing to register a group opinion, naturally you should use the organization stationery. Don't misuse business or organizational letterheads. This practice does more harm than good. Your organization might be ignored in future matters.

Most important of all. Persistence pays off. While you may not be able to influence your legislator to reverse his position, your letter, along with others, may persuade him to accept a compromise version or an amendment.

Legion Extension Institute

Though registration for the 22nd term of The American Legion Extension Institute officially closes November 1, Nat'l Hq advises that it will accept a limited amount of applications as long as the supply of course booklets lasts.

Purpose of the mail-order home-study course in Legion operations and history is "to increase knowledge and appreciation on the part of our future leaders of The American Legion for our American way of life and our constitutional form of government; along with a sound understanding of the contribution to these basic philosophies by the programs of The American Legion."

The course contains a brief history of the Legion and fully describes the programs and services rendered. Any

Legionnaire who is ready to assume leadership and responsibility in his post and community will find it invaluable as have the 65,000 Legionnaires who have already taken the course.

The 500-page course consists of two basic units on the internal organization of the Legion and four units on its programs and objectives. They are 1—History and organization of The American Legion; 2—Internal Affairs and Service Divisions; 3—The Americanism and Foreign Relations Programs; 4—The Rehabilitation Program; 5—The Legislative and Economic Programs and 6—The National Security and Child Welfare Programs.

Students will not be required to submit monthly tests to Nat'l Hq. They may grade themselves at the end of each monthly lesson since the answers to the preceding lesson come with the following lesson. The final examination will be mailed to all students to be completed and returned for grading at Nat'l Hq.

Legionnaires, Auxiliaries and Sons of The Legion members 17 years of age or older may sign up individually. Also, posts, units and squadrons may enroll several of their members and form study groups or seminars to learn together.

Upon successful completion of the course, graduates will receive a Certificate of Graduation and a patch to affix to their Legion caps. Auxiliaries will receive a very attractive mortarboard pin and chain to be worn with the Auxiliary pin.

Cost of the course is \$4.00 each for one to three persons, and \$3.00 each when four or more enrollments are made on one application. Make all remittances

payable to: National Treasurer, The American Legion. If the coupon shown here is not large enough for your needs, please make and fill out a reasonable facsimile.

But, remember, course booklets are limited and your money will be refunded if the supply is exhausted.

Keeping the Boys in Mind

Many posts show strong concern for our men in Vietnam. **Post 54, Marshfield, Wisc.**, mailed a three-pound Christmas package to every area serviceman in Vietnam. Last year the post sent 62 packages, each weighing nearly five pounds. Postage alone was over \$72.

Post 46, Ann Harbor, Mich., volunteered to serve as the Inductee Center for its area and was accepted. "The in-



Post 46, Mich.—painless induction

ductees were originally ordered to leave from our local bus station," says Post 46 Cmdr George W. Harms. "We considered this too noisy, public, and not proper for our community. We contacted the State Selective Service Director and had the inductee site permanently changed to the Post 46 Home. Here we are able to provide a warm, friendly atmosphere, hot coffee, donuts, and pleasant music. Newspaper and radio station cooperation was excellent."

Post 303, Rockville Centre, N.Y., initiated "We Support Our Servicemen in Vietnam Week," with a proclamation signed by Mayor John A. Anderson, calling on all residents, business firms, and organizations to fly the flag. The slogan: "That They May Know." The post distributed 2,500 5½ x 8½-inch flyers in the town, and mailed them to 64 organizations.

Post 49, Wilmington, Ohio, in a half-page newspaper ad, asked readers to remember service people in prayers and letters, and gave names and overseas addresses of about 100. **Post 23, Edgewood, R.I.**, sends hometown newspapers to each person in service. **Post 1221, Brooklyn, N.Y.**, presented service banners to families of military personnel.

Legion Press Winners

The Nebraska Legionnaire won the top award in the 1967 annual journalism contest of The American Legion

ENROLLMENT FORM

AMERICAN LEGION EXTENSION INSTITUTE

(Use this coupon and add extra names and addresses, if any, on another sheet. Make all checks payable to: Nat'l Treasurer, The American Legion.)

To The Faculty

American Legion Extension Institute

PO Box 1055, Indianapolis, Ind. 46206

Here's our draft for \$..... Enroll those listed herewith in the 22nd American Legion Extension Institute home study course, and send each the first assignment and lesson.

Total students with this order.....

Name (last first).....

Street Address

City, State, ZIP Code.....

Card #.....Post or Unit #.....

(This coupon accommodates an order for one fully. For more, use it and add additional names on a separate sheet, giving the above info for each).

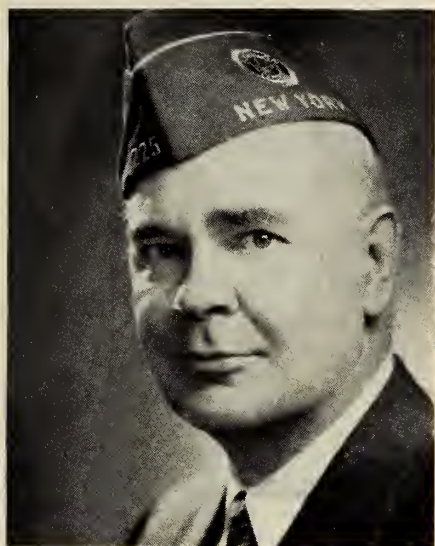
COST—One to three—\$4 each—Four or more—\$3 each. Price, payable to "The American Legion," based on all sent in one order.

Press Association. This Dep't of Nebraska paper was judged the Best Publication on the basis of excellence in journalism.

The Legionnaire, of Post 80, Binghamton, N.Y., won in the Best Post Publication category. Post 62, Columbus, Wisc., won in the Best in Mimeo-

graph and Spirit Reproduction category. It was awarded the Jack R. C. Cannon plaque. Runner-up in the Best Publication category was the Michigan Legionnaire, with The Reveille of Post 1, Denver, Colo., third. The Ohio Legionnaire got honorable mention. ALPA's Editorial awards will be announced later.

Edward N. Scheiberling, Past Nat'l Commander, Died in Albany, N.Y.



Edward N. Scheiberling when he was The American Legion's Nat'l Cmdr, 1944-45.

Edward N. Scheiberling, of Albany, N.Y., Past Nat'l Cmdr of the American Legion (1944-45), whose death at 79 was reported briefly last month in this magazine's Convention issue, was a Legionnaire since 1919. He had been designated as New York chairman of The American Legion's 50th Anniversary Committee.

Upon his return from WWI, in which he served as a captain in the 78th Division in the St. Mihiel and Meuse-Argonne actions, he organized and became commander of Albany Post 225. He was a lawyer, the senior partner in the firm of Scheiberling & Schneider, and was justice of the Albany Municipal Court from 1924 to 1929.

Throughout his career, he advocated that veterans become active in politics as a group. As National Commander, he called for "no more wars" at the end of WW2, supported an international peace-keeping force, urged that veterans attend the peace-making negotiations to avoid the "broken promises" of the past, pressed for jobs and benefits for returning servicemen, and was concerned about the influence of Communists in the Armed Forces.

In January 1945, as National Com-

mander he ordered a post in Oregon to restore the names of 15 Japanese-American servicemen which the post had voted to remove from its honor roll, or face the possible loss of its charter.

In addition to his activity in the Legion, which also included service as Dep't Commander (1935-36), he was prominent in the programs of the USO, Red Cross, and Community Chest. Survivors include his widow, Ethel. Mr. Scheiberling died in Albany, N.Y., on Sept. 10.

Death Takes Henry B. Clay

Henry Brevard Clay, 49, of Shreveport, Louisiana's immediate Past Nat'l Executive Committeeman (1963-67), died Aug. 3 when his single engine plane exploded during a storm near Nevada, Mo. Killed with Mr. Clay, who was piloting the plane, was his wife. They were en route to Canada. Surviving are four minor children.

A Past Dep't Commander (1952-53), Mr. Clay served on the Legion's Nat'l Public Relations Commission in 1958.

Mr. Clay was executive vice president and general manager of radio stations KWKH in Shreveport and KTHV, Little Rock, Ark., and a director of the Shreveport Times and the Monroe World & News Star, owners of the stations.

In 1952, he was named Shreveport's Young Man of the Year and, in 1965, Louisiana Broadcaster of the Year. He was the son-in-law of John Ewing, of Shreveport, a Legion founder and former long time member of the Legion's Finance Commission.

Harry H. Woodring, 77, Dies

Harry Hines Woodring, 77, of Topeka, Kans., Secretary of War from 1936 to 1940, and a Past Dep't Commander (1928-29) of The American Legion, died Sept. 9. The cause of death was tentatively listed as a stroke. He was governor of Kansas from 1930-32.

Legion Sets Flags Flying

Post 255, Tallmadge, Ohio, sent 180 American flags to troops in Vietnam, and got a thank you letter from a distin-

guished soldier, who said in part: "Your gift is a very patriotic gesture, and an excellent expression of the support rendered our forces by the members of your post. Regrettably, their (the flags) distribution to our front line troops is not appropriate at this time. The flags will be placed in our Saigon United Service Organization, where they will be available to the many servicemen who visit there daily.

"We deeply appreciate your thoughtfulness.

"Sincerely,

W. C. Westmoreland

General, United States Army
Commanding"

Post 628, Cleveland, Ohio, teamed with the Greater Cleveland Growth Board and purchased 200 Ohio State flags and national flags which were displayed on appropriate occasions in downtown Cleveland. The post's 30-member Color Guard is responsible for installing and removing the flags.

Post 505, Croton, N.Y., has taken two steps toward honoring servicemen and promoting the Legion through display of the flag. It presented 84 U.S. flag kits to parents of Vietnam servicemen and women. And it offers and promotes a year's free membership in Post 505 to all men and women honorably discharged since August 5, 1964. Both steps have proved successful.



A flag in every home is goal of Post 1, Rockland, Me. Legionnaires Robert Young and Conrad Ames display some of 3,000 flags which are being offered by merchants through the efforts of Post 1.

A set of 15 United States flags dating back to the American Revolution is featured in an exhibit symbolic of people and events prominent in American history, and housed in the American Heritage Hall of Greenbelt (Md.) Center School. The flags were donated by Post 136 of Greenbelt. Each month, a flag is selected as the "Flag of the Month," and a color photo of it is displayed in a picture frame, along with a digest of the flag's history. (Continued on page 36)

During the past year and a half the Legion Dep't of Washington, in cooperation with the Governor, Legionnaire Daniel J. Evans, has sent some 60 state flags to military units all over the world.

Legion Police Awards



Certificates from Post 126, Alton, Ill.

Two Alton, Ill., police officers (center and rt., photo above), Ptlmn. Fred H. Bright and Cpl. John K. Ruyle, were awarded Certificates of Achievement by Post 126 Cmdr James Stroud.

Post 302, Beardsley, Minn., gave a similar award to Police Chief Wm. D. Raatz, a WW2 vet (left in photo below),



Police recognition by Post 302, Minn.

presented by Post Cmdr Larry Serocki (at right).

Post 295, Cypress, Calif., gave a certificate and a perpetual trophy to Officer of the Year Walter H. Hampton, Jr. In photo below are (l. to rt.) Post 295 Cmdr Robert Shanahan, Fifth Area Cmdr F. Mason of Fullerton Post 142, Officer Hampton, and A. Hernandez of



Calif. posts reward police efforts.

Post 295. The affair was held jointly with Los Alamitos Post 716.

For its part, Los Alamitos Post 716 Cmdr Fred Guy presented the post's Officer of the Year award to Gary Miley of Los Alamitos. The two posts gave plaques to the two Police Dep'ts.

BRIEFLY NOTED

Frank Robinson, Baltimore's slugging outfielder and baseball's first triple crown winner (leader in batting average, home runs, and runs batted in) since 1956, was given the American Legion Baseball 1966 graduate of the year award in Baltimore, Md. Past recipients have included: Ted Williams, Stan Musial, Bobby Richardson and Warren Spahn.

The Kansas Legion received permission from Wichita Univ. officials to set up a membership and counseling booth at the enrollment and registration point of students entering the summer session. A Department rehabilitation representative (and a regular paid staff member) along with the post commander of the Kansas Vietnam Post manned the booth voluntarily. Claim forms, P'22s, etc., were on hand together with a sign: "Veterans Counseling Service by The American Legion." Handouts consisted of "The Amazing American Legion." "You Are The American Legion," etc. Many Legion memberships were sold on the spot. Names were taken for further follow-up. The Department is now attempting to set up a similar program in each college and university in Kansas.

Boston Legionnaires, during the Convention, hit upon a way they could be of superb assistance to the visiting Legion staff members in getting around



Legionnaires volunteer with motor pool. the city. The Bostonians (photo above) formed a motor pool and chauffeured the staffers hither and yon when business necessitated traveling.

Two highly appreciated and practical gifts came to immediate Past Dep't Cmdr James Heneghan of New York to facilitate his recovery from a heart attack and to acknowledge his service to the Department. His post, Huntington

Post 360, built a new wing on Jim's house with bath and toilet facilities, so he could avoid stair climbing. The Dep't of New York put two air conditioners in the house to complete his comfort.

POSTS IN ACTION

Post 507, Brooklyn, N.Y., bestowed The American Legion Medal of Valor on Sp. 4th Class Robert J. Palmeri, USA, the "hunger strike" GI who, while sta-



Another kind of "protester"

tioned in Germany, protested to the Army because he was not in Vietnam. His wish for a transfer was granted. He went to Vietnam and served several months before he was wounded. In the photo above are (l. to rt.): J. Saluzzi, Post VC; Sp 4 Robert Palmeri; Past Cmdr Al Caracciolo; Post Cmdr J. Fleming; and S/Sgt. Edward Sipel, USMC, last year's recipient of the award, who made the presentation and who, like Palmeri, was wounded in Vietnam's Operation Starlight.

"This is Bob Rivers. I'm a ham radio operator in Malone, N.Y., and I am presently speaking to Alaska. I have a person on the radio who would like very much to speak to you."

On the other end of this telephone call from Rivers, writes Ray Russell in the Malone Evening Telegram, is a woman in California, a woman the Malone police sergeant has never seen. With a certain amount of hesitation, the woman asks who in Alaska wishes to speak to her.

"It's your son," Rivers replies.

This project, whereby American servicemen, stateside and all over the world, are put in telephone contact with their families anywhere in the U.S., is regular policy in Malone. Legion Post 219 pays the phone costs. (Bob Rivers and his wife, Irenc, originally footed the bills.) In the photo below are Legionnaires S. Condojani, 2nd VC; Post Cmdr A. Lester; and PC J. McCarthy. At right is Police Sgt. Rivers.



From Alaska to New York to California



Unit 15 of Sioux Falls won three choral titles at Legion Convention.

The choristers of **Unit 15, Sioux Falls, S. Dak.**, made off with the bulk of the trophies in the Auxiliary's singing contests at the Legion's Nat'l Convention in



Sextette of Unit 15, Sioux Falls, S.D.



Unit 193, Van Nuys, Calif., Trio

Boston, Mass. Unit 15, last year's winner of the chorus title and co-champ of the sextette warblers, this year won the quartet, sextette, and chorus championships. (See photos.)

Three girls from **Van Nuys, Calif., Unit 193**, won the trio title. (See photo.)

Post 40, Grant, Nebr., has come up with a fact that is perhaps typical of the new trend in membership. Its member, Frank M. Wykert, served in WW1. Son Dwayne C. was WW2. Son Larry D. served in Vietnam, was discharged, re-enlisted for two additional years, and will return to Vietnam. All were enlistments.



Post 3, Nebr., sponsors a champion.

Post 3, Lincoln, Nebr., sponsored the winning car in the 1967 All-American Soap Box Derby in Akron, Ohio. In the photo, Kenneth Cline, 13, of Lincoln, the winner, who defeated 244 champions from 46 states and five guest countries, gets his award from E. N. Estes, general manager of Chevrolet, the sponsor.

PEOPLE IN THE NEWS

Thomas W. Miller of Reno, Nev., Nat'l Executive Committeeman, appointed by Gov. Paul Laxalt to be chairman and member of the Nevada State Park Advisory Commission, his fourth appointment to the Commission since 1935 when he was instrumental in organizing the first Nevada State Park System.

W. R. Egan, of Danville, Calif. Past Dep't Cmdr of Colorado (1952-53), named Regional Manager of South and Western Region by Janitrol Div. of Midland-Ross Corp.

Ross L. Malone, Roswell, N.M., elected vice president and General Counsel of General Motors Corp. A member of Post 28, Roswell, he is a member of the President's Commission on Law Enforcement and Administration of Justice and is a Past President of the American Bar Assoc. He formerly served as Deputy Attorney General of the U.S.

Alberto Pulido, of Post 505, Detroit, Mich., named a member of the Michigan Small Business Advisory Council. He was appointed by Robert C. Moot, SBA Administrator.

DIED

Judge Wilbur M. Alter, of Lakewood, Colo., Past Nat'l Executive Committeeman (1935-37), Past Dep't Cmdr (1933-34), and former chairman of the Nat'l Child Welfare Committee. He served on the Colorado Supreme Court for nearly 16 years, one term as Chief Justice.

Louis L. Fitcher, of Los Angeles, Calif., Alternate Nat'l Executive Committeeman in 1960-62 and vice chairman of the Nat'l Security Council, 1963-67.

Leo J. Powers, of Anaconda, Mont., a Medal of Honor winner and member of Anaconda Post 21.

Edward F. Humer, of Hialeah, Fla., Nat'l Sergeant-at-Arms in 1947-48.

Emmet O'Neal, of Washington, Ky., Past Dep't Cmdr (1921-22) and a candidate for Nat'l Cmdr in 1931. He was formerly a congressman and Ambassador to the Philippines (1947-49). He helped organize the Kentucky Legion Dep't.

Edward N. Scheiberling, of Albany, N.Y. (See obit. p. 35)

Henry B. Clay, of Shreveport, La. (See obit. p. 35)

Harry H. Woodring, of Topeka, Kans. (See obit. p. 35)

Moses G. Hubbard, Jr., of Utica, N.Y., Past Dep't Cmdr (1931-32).

Rev. Fr. Frank J. Lawler, of Litchfield, Ill., Past Nat'l Chaplain (1937-38).

Harry Eaton, of Ashland, Ohio, Past Dep't Cmdr (1945-46).

Fred Kochli, of Washington, D.C., a WW1 combat amputee and winner of the DSC, French Legion of Honor, Croix de Guerre with Palm, and Purple Heart, who was employed in the Re-

COMRADES IN DISTRESS

Readers who can help these comrades are urged to do so.

Notices are run at the request of The American Legion Nat'l Rehabilitation Commission. They are not accepted from other sources.

Readers wanting Legion help with claims should contact their local service officers.

Service officers unable to locate needed witnesses for claims development should refer the matter to the Nat'l Rehabilitation Commission through normal channels, for further search, before referral to this column.

929th Sig Bn, Nadzab, New Guinea (Feb. 1944)—Need information from anyone who knew **Earl Norris** and may have knowledge of back injury he sustained. Write: Earl Norris, Box 55, Route 2, Newberry, S. Car. 29108

Fort Bragg, N.C., 583rd FA Bn, 3rd Armor (May 1954-'56)—Need information from Cpl. Richard Mutch, John A. Davis, Cpl. John Gilbert, and M/Sgt. John Cavanaugh to aid **Billy G. Hudgins** in a claim for compensation for a disability occurring in service. Write: Billy G. Hudgins, 4421 S.E. 41st St., Del City, Okla. 73115

I Corps Sig Bn, Charlie Co, We Jham Boo, Korea (1954-55)—Need information from Capt. George W. Greene, Co Cmdr, and Lt. Polk, Motor Officer, regarding claim pending by **Marvin S. Hancock**. Write: Marvin S. Hancock, Ward C, Rm. 219 Veterans Administration Hospital, Hines, Ill., or at 4349 Butterfield Rd., Hillside, Ill.

LST 701, Okinawa (Apr.-June 1945)—Need information from former comrades who knew **Robert Saxon Vickers**. He has a disability claim pending. Write: Robert S. Vickers, 302 Charles St., Talladega, Ala. 35160

habilitation Division of the Legion's HQ staff (1936-1956).

NEW POSTS

The American Legion has recently chartered the following new posts: Huntsville-Madison County Post 200, Huntsville, Ala.; Yarnell Post 79, Yarnell, Ariz.; Floyd-Cowan Post 457, Ken-sett, Ark.; Mile High Post 107, Denver, Colo.; Tower Rock Post 921, Grand Tower, Ill.; Highland Crest Post 399, Kansas City, Kans.; Campbell County Post 327, South Newport, Ky.; Emerson-Bell Post 618, Osceola, Mo.; Winslow Township Post 234, Cedar Brook, N.J.; Great River Post 1860, Central Islip, N.Y.; Gold Star Post 828, Worthington, Pa.

OUTFIT REUNIONS

Reunion will be held in month indicated. For particulars, write person whose address is given.

Notices accepted on official form only. For form send stamped, addressed return envelope to O. R. Form, American Legion Magazine, 720 Fifth Ave., New York, N.Y. 10019. Notices should be received at least five months before scheduled reunion. No written letter necessary to get form.

Earliest submission favored when volume of requests is too great to print all.

ARMY

- 14th Arm'd Div (Iowa)—(Nov.) Robert N. Kennedy, 1717 Summit St., Sioux City, Iowa 51105
 15th Eng (WW1)—(Apr.) John W. Towns, 981 Gladys Ave., Pittsburgh, Pa. 15216
 17th Inf, Co L (WW2)—(June) Tem J. Wallin, 1003 W. 52nd N., Wichita, Kans. 67204
 17th Inf Reg't, HQ & HQ Co—(Feb.) William C. Hoffmaster, 114 N. Second St., Pottsville, Pa. 17901
 20th Eng, 6th Bn—(Feb.) H. F. Gustafson, Box 3022 M.O. Sta., Omaha, Nebr. 68103
 29th Inf, Co M (WW2)—(Apr.) James W. Ball, 8245 Kilpatrick Ave., Skokie, Ill. 60076
 50th Sig Bn—(May) Jim Clark, 473 N. Howard, Elmhurst, Ill. 60126
 106th Cav—(June) Raymond McGee, 600 E. University Ave., Urbana, Ill. 61801
 184th Inf (WW2)—(March) Gene Metz, P.O. Box 429, St. Helena, Calif. 94574

American Legion Life Insurance Month Ending August 31, 1967

Benefits paid Jan. 1-Aug. 31, 1967	\$ 831,149
Benefits paid since April 1958	4,883,086
Basic Units in force (number)	157,297
New Applications approved since Jan. 1, 1967	9,667
New Applications rejected	1,358

American Legion Life Insurance is an official program of The American Legion, adopted by the National Executive Committee, 1958. It is reducing term insurance, issued on application to paid-up members of The American Legion subject to approval based on health and employment statement. Death benefits range from \$11,500 (full unit up through age 29) in reducing steps with age to termination of insurance at end of year in which 75th birthday occurs. Quoted benefit includes 15% "bonus" in excess of contract amount. For calendar year 1967 the 15% "across the board" increase in benefits will continue to all participants in the group insurance plan. Available in half and full units at a flat rate of \$12 or \$24 a year on a calendar year basis, pro-rated during the first year at \$1 or \$2 a month for insurance approved after January 1. Underwritten by two commercial life insurance companies. American Legion Insurance Trust Fund is managed by trustee operating under the laws of Missouri. No other insurance may use the full words "American Legion." Administered by The American Legion Insurance Department, P. O. Box 5609, Chicago, Illinois 60680, to which write for more details.

- 308th Inf—(May) Lionel Bendheim, 200 Cabrini Blvd., New York, N.Y. 10033
 415th Rwy Teleg Bn (WW1)—(Apr.) Herman A. Burkhard, 2737 W. 87th St., Evergreen Park, Ill. 60642
 554th Ord (HM) Tank Co—(June) Harvey A. Summerhill, 1040 4th Court W., Birmingham, Ala. 35204
 601st Ord Bn—(March) C. M. Engebretson, 5407 Logan Ave. N., Minneapolis, Minn. 55430
 643rd Military Intel Det—(Feb.) Philip S. Freund, 5342 N. Lydell Ave., Milwaukee, Wis. 53217
 748th Eng Base Equip Co—(June) Jared L. Johnson, 1733 Asbury, Evanston, Ill. 60201
 Tuscania Survivors—(Feb.) Edward T. Lauer, Sr., 8035 Stickney Ave., Wauwatosa, Wis. 53213

NAVY

- LST 308, 847—(Mar.) Enrique Fernandez, 12 S. Orange Ave., South Orange, N.J. 07079
 LST 554—(June) Willis L. Budlong, 9608 Warwick Blvd., Newport News, Va. 23601
 Patrol Aircraft Serv 1-8, Fleet Air Wing 6—(Feb.) John G. Rueckert, 23271 Schoolcraft St., Canoga Park, Calif. 91304
 USS Franklin (CV-13, WW2)—(Apr.) Richard Fulfarr, 2485 Falcon St., East Meadow, N.Y. 11554
 USS North Carolina—(June) Patrick Fonzi, 145 Glen Caladh St., Pittsburgh, Pa. 15207
 USS Oklahoma (BB37)—(May) Edward H. Lutz, 673 Lindley Rd., Glenside, Pa. 19038
 USS Wichita (CA 45)—(June) J. A. Glass, 111 Dupre Ave., Norfolk, Va. 23503

LIFE MEMBERSHIPS

The award of a life membership to a Legionnaire by his Post is a testimonial by those who know him best that he has served The American Legion well.

Below are listed some of the previously unpublished life membership Post awards that have been reported to the editors. They are arranged by States or Departments.

- Offie Lites, Sr. and E. Allen Sheppard (both 1967), Post 32, Pine Bluff, Ark.
 Cecil Bryant (1967), Post 200, Lonoke, Ark.
 Victor R. Bush and Charles R. Wiley (both 1967), Post 44, Monrovia, Calif.
 William J. Strickland and Julio J. Yniguez (both 1967), Post 123, Santa Monica, Calif.
 John J. Bradach (1967), Post 488, Gardena, Calif.
 Walter H. Nielsen and Louis Salzman (both 1966), Post 526, Los Angeles, Calif.
 Robert F. Porter (1967), Post 95, Hebron, Conn.
 James F. Owens and John Charles Taylor (both 1967), Post 96, West Hartford, Conn.
 Andrew W. Carlson and Harry F. Craig and Harry V. Cunningham (all 1966), Post 139, Tampa, Fla.
 Alfred Clifford Bennett (1966), Post 77, Conyers, Ga.
 Victor H. Albertson and Edwin V. Carlson and Frank C. Danielson (all 1964), Post 75, Geneva, Ill.
 Alphonsus S. Sakowicz (1966), Post 923, Chicago, Ill.
 Ernest G. King (1967), Post 9, Oelwein, Iowa.
 P. Hope Overturf (1966), Post 72, Toledo, Iowa.
 Carl W. Kranz and William J. Strubel (both 1967), Post 193, Louisville, Ky.
 Rev. Eugene Stout (1967), Post 64, Salisbury, Md.
 Chad W. Martin (1966) and Edwin B. Andress (1967), Post 274, Solomons, Md.
 Eli Burgoyne and Franklin S. Cunningham and Fred Frazier (all 1965) and Donat J. Madore and Roy L. McGuire (both 1966), Post 88, Presque Isle, Maine.
 Eugene J. Biagi (1966), Post 78, Boston, Mass.
 John Ferris (1967), Post 192, Norwell, Mass.
 Thomas I. Flynn and William Flynn and Daniel Hegarty and Albert Holland (all 1967), Post 248, Groveland, Mass.
 Frank A. Nietupski (1967), Post 286, Wilbraham, Mass.
 William E. Baker and Ward Samson (both 1967), Post 51, Buchanan, Mich.
 Gust Babin (1967), Post 68, Paw Paw, Mich.
 Guy Heim and Charles Herman and Harold Jones and Lyle Lucas (all 1967), Post 85, Berrien Springs, Mich.
 Joseph Enricetti and James F. Jackson (both 1967), Post 230, Mohawk, Mich.
 Leo J. Seifert (1966), Post 36, Fairmont, Minn.
 Clarence Lohrbach (1967), Post 384, Dodge Center, Minn.
 Joe P. D'Amico and Bobby Peters (both 1967), Post 1, Jackson, Miss.
 Orville S. Traylor (1967), Post 69, Springfield, Mo.

Florence Ackmann and Hugo Ackmann and Rollie Browning and Charles H. Driemeyer, Sr. (all 1967), Post 180, Marthasville, Mo.

Norman G. Horner (1967), Post 458, Trenton, N.J.

Stanley S. Mattis and Frank P. Morgan and Albert M. Raffauf and William E. Rice (all 1967), Post 92, Waterville, N.Y.

Douglas Archambeault (1966), Post 235, Watford, N.Y.

Robert W. Corbett (1961) and James Ventry (1962) and Paul Barthau and John J. Pauline (both 1963), Post 381, Niagara Falls, N.Y.

Fred C. Smith (1966), Post 404, Vernon, N.Y.
 Lester Schwingel (1967), Post 766, Atlanta, N.Y.

Walter J. Bartlett, Jr. (1966) and Joseph J. Devine (1967), Post 1087, West Hempstead, N.Y.
 Maurice B. Suits (1967), Post 1461, Galway, N.Y.

Harold G. Hubbard and Kenneth B. Swain (both 1966), Post 10, Wilmington, N.C.

Anton Swenson and Dr. C. D. Stewart and Harold Van Cleve (all 1967), Post 49, Garrison, N. Dak.

Nick Deletis and Bert H. Nock and Sam Simon and Fred Wild, Sr. (all 1967), Post 247, Lowellville, Ohio.

Sylvester J. Dennis (1967), Post 320, Maumee, Ohio.

Frank M. Hill (1967), Post 5, Kingfisher, Okla.

Gibson B. Stone (1967), Post 9, Marlow, Okla.

Walter Lorman and James McGovern and Joseph Papa and Anthony Travaglia (all 1966), Post 45, Philadelphia, Pa.

Hugh Robertson and Leon Rosenstein (both 1952) and George Baumann and Joseph Becker and John De Luca (all 1967), Post 96, Philadelphia, Pa.

William S. Clark and Harvey L. Maffett and Benjamin F. Stong and Milton W. Zimmerman (all 1966), Post 298, Mifflintown, Pa.

George E. Eroh and Frank J. Valencik (both 1966), Post 541, Catawissa, Pa.

J. Guy Boswell and Leon E. Easterly (both 1967), Post 64, Greeneville, Tenn.

Otis Landwehr and Fred Lenling and Ralph Lingelbach and Walter J. Lutwitz (all 1966), Post 294, Hartland, Wis.

Life Memberships are accepted for publication only on an official form, which we provide. Reports received only from Commander, Adjutant or Finance Officer of Post which awarded the life membership.

They may get form by sending stamped, self-addressed return envelope to:

"L.M. Form, American Legion Magazine, 720 5th Ave., New York, N.Y." 10019.

On a corner of the return envelope write the number of names you wish to report. No written letter necessary to get forms.

THE AMERICAN LEGION NATIONAL HEADQUARTERS AUGUST 31, 1967

ASSETS

Cash on hand and on Deposit	\$ 1,008,807.11
Receivable	163,219.13
Inventories	463,725.25
Invested Funds	2,902,177.28
Trust Funds:	
Overseas Graves Decoration Trust Fund	291,202.60
Employees Retirement Trust Fund	1,017,479.22
Real Estate	821,521.81
Furniture & Fixtures, Less Depreciation	257,880.18
Deferred Charges	117,063.15
	\$10,043,075.73

LIABILITIES, DEFERRED REVENUE & NET WORTH

Current Liabilities	\$ 191,145.19
Funds Restricted as to use	27,289.95
Deferred Income	1,225,366.02
Trust Funds:	
Overseas Graves Decoration Trust Fund	291,202.60
Employees Retirement Trust Fund	1,017,479.22
Net Worth:	
Reserve Fund	143,197.11
Restricted Fund	1,079,616.92
Real Estate	821,521.81
Reserve for Rehabilitation	412,835.59
Reserve for Child Welfare	114,431.29
Reserve for Convention	60,000.00
Reserve for Mail List Conversion	47,107.95
Reserve for 50th Anniversary	63,341.58
	3,042,082.25
Unrestricted Capital	948,510.20
	\$10,043,075.73

The Mysterious Turtle

OF ALL THE OUTDOOR creatures a sportsman or camper is apt to meet, the turtle is the one he knows least about, biologists say. Being a reptile, and repulsive, it usually receives no more than an inquisitive prod with a boot toe. And from the rear, so there's no possibility it might snap off that toe. The next time you see a turtle, realize you have met one of nature's strangest freaks.

The turtle wears its skeleton on the outside, the ribs being covered with bony tissue and heavy scales, forming a shell. The top, or *carapace*, and the bottom, or *plastron*, are connected at the sides, the result being an armored receptacle into which the turtle can withdraw when danger threatens. But this rigid shell skeleton makes breathing a trick; the turtle accomplishes it by pulsing its neck and the floor of its mouth to draw air into its lungs. Some water turtles also can absorb oxygen through their throat membranes. With such a breathing handicap, few species can make sounds louder than a hiss, but the Giant Turtle of the tropics can bellow like a bull. Somewhat different is the world's largest, the Leatherly Turtle, so-called because its shell is leather-like skin instead of bone. It inhabits the South Seas, and can grow to eight feet long and a ton in weight!

Our common Snapping Turtle can reach 70 pounds; don't get friendly with even a small one. Although it has no teeth, its strong jaws can snap off a finger or a chunk of leg. In the water, it's harmless, however, because it can avoid you easily by swimming away. You can recognize a Snapper by its oversize head and long gator-like tail, both too large for it to hide completely in its shell. A big specimen will eat more game fish than you can catch! Its tenacity to life is incredible. Even when decapitated by an ax or bullet, both its body and head will continue to live for hours, its jaws still snapping.

Also common is the pretty Painted Pond Turtle, harmless, with red and yellow trim on its dark carapace, and a yellow-striped head. The Box Turtle of the woods, also harmless, can be identified by its high, domed carapace with yellow markings, and its brick-red neck. Strangely, it's really a mixed-up sea turtle that has given up the sea. Both of these species are easily tamed. Another you might find is the Stink Pot Turtle. You can't confuse it with any other; it smells like a skunk!

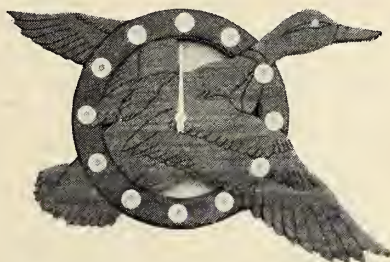
And who said turtles are slow? In the water, they can outswim any Olympic champion. In fact, a large Sea Turtle can swim at a speed equal to that of our fastest sprint runners! Fortunately for bathers, it's harmless. It's also good eating.

ELECTRONIC FISHING is the subject of a new book by Lowrance Electronics Mfg. Corp., Tulsa, Okla., maker of the famous Fish LO-K-TOR which locates fish by re-

flected sound waves. Book explains how such a device can chart the bottom of a lake, locate weed beds, bars, dropoffs, etc., besides finding fish and indicating their size. Price: \$1.25.

IMPROVE your gasoline lantern, suggests R. Elwell of Hutchinson, Kan., by folding aluminum foil around one-third of the globe. It will reflect twice as much light where you want it, almost like a super-flashlight.

SPORTSMAN'S CLOCK for den or cabin, by Trig-O-Lock Co. of 2649 Henry St., Augusta, Ga., is wireless, handsomely carved from walnut in mallard, quail or



Sportsman's clock runs on one battery.

pheasant design. Numeral positions are shot-shell bases. Size: 12x16 inches. Runs for almost two years on a single flashlight battery! Price: \$39.50. Write for brochure.

TO HOLD line, leader and lure close to your assembled fishing rod so the hooks won't swing out and snag something nearby, use the little wired strips that come twisted around plastic bread bags to seal them, suggests M. Lewis of Covington, Ky. About three, twisted around rod and line at intervals along the rod's length, are sufficient.

SHOOTING PATCHES, club insignia and other badges can be attached to your shooting jacket with snaps, says Bret Christie of Portland, Ore. This beats sewing them on because snaps make them easy to remove when you have to have the jacket dry-cleaned.

SKEET SHOOTING book by D. Lee Braun, trainer of many champions, and published by The Benjamin Co., N.Y.C., is considered the best yet by clay-bird shooters. Besides fundamentals of scatter-gunning, it completely covers all eight skeet stations, from how to place your feet to where to break the target, together with drawings and camera-gun photos. Price: \$1.95.

FOR RIM FIRE SHOOTERS who have difficulty staying on target with the .22 cal. rifle at different ranges, the Remington Arms people have a suggestion. With either 'scope or iron sights, zero in the rifle at both 50 and 100 yards. Then mark the sight adjust-

ments for each. When you're in the field, all you need to do is to turn the sights up or down according to the calculated distance of the target. For free tables of rim fire bullet wind deflection and drop, write: Rim Fire Ballistics, Public Relations Division, Remington Arms Co., Inc., Bridgeport, Conn. 06602.

BEWARE of rusty chains lying in the woods in bear country, warns Bradley Barkau of Okawville, Ill. Take a stick and poke a trail to the chain. Most often it leads to a set bear trap. If it grabs you by the leg and you're alone, you're in bad trouble.

SHELL CARRIER, new for shotgunners, is a high-impact plastic box called *Shelpak* that hangs from your belt. Shell rims slide into grooves in the open cover, five rows holding five shells each. Box base holds empties for reloading, or for later discard so they won't clutter up the woods. Price: \$2.98 from Industro-Motive Corp., Troy, Mich.

FOR WARMER FEET in cold weather, wear extra shoe insoles cut from cardboard, writes Bob Collins of Hickory, N.C. Card-board is a first-rate insulator and also absorbs perspiration, reducing evaporation which lowers foot temperature.

FINDING FISH UNDERWATER is easier with glasses that let you look through surface glare. Called Fish-Locator's, the maker claims the glasses form a little "dark room" around each eye so that only light passing through the polarized lenses reaches your eyes. You can see fish, underwater obstacles and even the bottom when looking for a good place to anchor. They can also be used as ordinary sun glasses and to eliminate snow glare in winter sports. Available for \$9.25 from camping and marine supply stores or from Gloy's, Inc., 11 Addison St., Larchmont, N. Y.

EGGS that break en route on a camping trip are not only useless but make a mess of everything they touch. The solution, suggests C. E. Strong of Hollidaysburg, Pa., is to carry them already broken! Break them into a clean quart milk carton or plastic jar, then seal tightly. To use, just pour them into the pan.

GOLFERS, you might save yourself a golf club by heeding the advice of S. Delbert of Toledo, Ohio. Fasten gummed return-address stickers to each club below the grip, and cover them with Scotch tape. Not only will it discourage theft, but if the club is mislaid, the finder will be able to return it. Good idea for bag and shoes, too.

FORGET SUNGLASSES? Temporary substitute is a strip of adhesive tape across the top one-third of the lenses of your regular glasses, writes Edward Thayer of Beverly Hills, Calif. It will serve like sun visors on a car to cut down glare.

If you have a helpful idea for this feature send it in. If we can use it we'll pay you \$5.00. However, we cannot acknowledge, return, or enter into correspondence concerning contributions. Address: Outdoor Editor, The American Legion Magazine, 720 Fifth Ave., New York, N.Y. 10019.

They are put to that strain out of the common knowledge that the growth of the power of the Court came a few decades *after* the Constitution was written, and that it traces its powers more to the zeal and political adroitness of the fourth Chief Justice, John Marshall (appointed 1801), than to any grant of authority in the Constitution.

In an extremely clever series of decisions, Marshall, who dominated his colleagues, settled specific Supreme Court cases to the satisfaction of his worst enemies, in each case stating a *reason* that enlarged the power of the court. Thus he disarmed his opponents with pleasing decisions while setting the precedents to which the Court has owed its larger powers. Most of his successors realized that Marshall had carried the Court's powers far beyond any word of the Constitution. They safeguarded their position with that exercise of restraint which the present Court majority is now accused of abandoning.

Defenders of Marshall's enlarged powers have felt the need over the years to put them on firmer ground by finding some excuse in the Constitution for them. Lacking any word in the law itself, they built a case of the "intent" of the Constitution. Divining the intent of the deceased is a game with loose rules. The Court's friends base their case on the *presumed beliefs* of the founding fathers. These, in turn, are based on *presumed court customs* inherited from England and preserved by the colonies.

The key question goes right to the root. Has the Supreme Court ever had any Constitutional power or right at all to rule on the constitutionality of a law passed by Congress?

NO SUCH AUTHORITY is hinted at in the Constitution. It was first clearly enunciated by Marshall in the celebrated *Marbury* case. He reached a decision against all his sympathies and in favor of his enemies in exchange for claiming that the Court could rule on the constitutionality of acts of Congress.

The Court's defenders, sensing that a personal bargain of Marshall's is hardly a rule binding on the people of a republic, go back to certain court cases in England and in pre-Constitution America to show that the right of a court to annul a law was then so well understood that the founding fathers felt no need to spell it out in the Constitution. It was implied all along.

L. Brent Bozell in his current book "The Warren Revolution" (Arlington House, New Rochelle, N.Y., 1966. \$7.) demolishes these cases in 366 pages of scholarship.

Instead of merely citing the cases

blindly from a standard book published in 1900, Bozell returns to them in detail in 1966.

When he is done with them they go far to prove that the founding fathers would not ever stomach a court canceling a law.

Right up to the writing of the Constitution neither the people nor the political leaders wanted *any* part of *any* court revoking *any* law written by *any* legislature. The obvious reason, often forcefully expressed in colonial days, was that the lawmakers are within the reach of the people at the polls while the courts are not. Jefferson said that Bunker Hill wasn't fought to put the law in the hands of non-elected officials.



"Why do I have to get a shot in the bottom? It's my throat that hurts."

THE AMERICAN LEGION MAGAZINE

In most of the cases cited in law books to prove that the courts overruled legislatures as a matter of course in Colonial days, the judges whose decisions are cited denied any right or intent to annul law. The rulings attributed to some others were never made. Some "cases" cited were never cases at all. The only open and shut case among them was in England, where a court overruled an act of Parliament in favor of the prerogatives of King James II. Bozell goes to the historical fact that the King trumped up the whole thing. Judges, plaintiff and defendant were all in cahoots with him. Shortly after that decision, James was dethroned and Parliament established its supremacy over the English courts. None have voided an act of Parliament since. A sorrier "precedent in law" to empower our Court to annul law could hardly be found.

The American "precedents," Bozell shows, are a complete shambles, refuting

more than confirming any intent of the authors of the Constitution to let courts annul laws. Interested readers should follow his text.

In the United States, the word of the Constitution repeatedly establishes the supremacy of Congress over the Supreme Court. It grants Congress general powers to regulate all the federal courts. It takes up the question of the courts' honoring the Constitution, and instructs the *state* courts to do so. While on the subject it omits any mention of either a right or responsibility of the Supreme Court in the matter.

IT GIVES THE Supreme Court original jurisdiction in certain federal matters, such as cases arising out of treaties. But in allowing the Supreme Court to hear appeals (which is where it has raised the most ruckus) it was made inferior to Congress, for the Constitution explicitly gives Congress the right to regulate the Court's hearing of appeals. Bozell points out, by going to what its framers said at the time, that the Constitution, in naming three things that will be the "supreme law of the land," was *limiting* them to three—thus excluding all pretensions of the modern Court that *it* is the author of "supreme law" too, unless it is conceded that the Court is free to rewrite the Constitution.

The "independence of the judiciary" is applauded on all sides, but what is meant by it is not settled. As some see it, it means that the Congress shall not tamper with the *functioning* of the courts. There *shall* be trial by jury. On the High Court the Justices *shall* be appointed for life "during good behavior" and Congress shall not meddle with this. Congress does have power to impeach judges for "bad behavior," and it has been exercised a few times on federal jurists, though not at the Supreme Court level. In this view, any right of courts to annul laws is not part of the "independence of the judiciary." It is rather a trampling on the "independence of the legislature." And that is the consistent English view, too.

But this dilemma has often been voiced: Suppose that the states and Congress defy the Constitution? Who, then, if not the Supreme Court, will defend it? As Jefferson implied in his "Bunker Hill" analogy, the people will. They can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court, so the more serious dilemma is "Who will defend the Constitution if the Court abuses it?"

Today this question isn't academic. Several attempts to amend the Constitution to undo Court decisions that are felt to be mischievous or tyrannical have recently been supported by majorities in

Congress, but failed of the two-thirds majority needed before being put before the states.

Sen. Sam J. Ervin, Jr., of North Carolina, has sought to put the admissibility of confessions in a criminal court out of the reach of the Supreme Court. His amendment would make the trial judge the sole arbiter of that, with the proviso that he must find the confession to be voluntary.

A series of recent Supreme Court decisions limiting the admittance of confessions in courts has produced hair-raising consequences in law enforcement. One of the first results was the release without trial of a New York man who freely admitted murdering his wife and children. Statistics showing serious increases in unpunished crime, directly following Court decisions that tie the hands of police and magistrates, have been recorded by many law enforcement agencies.

Sen. Everett Dirksen, of Illinois, has fallen short of sufficient support to get amendments going in Congress to (a) allow voluntary school prayer, and to (b) put an end to the Supreme Court's dictating how state legislatures will be formed and how their voting districts will be created.

The Court's recent adventure into state politics ended in a shocker. It began in 1962 with the Tennessee case in which the Court claimed jurisdiction over state voting districts. It was a claim not supported by any word in the Constitution or by any legal precedent. The modern Court based its invasion of state politics on the rights of voters to *equal representation*, under its reading of the 14th Amendment.

Bozell says that in going just so far as to claim jurisdiction over state elections and legislatures in the 1962 decision, Justice Black misquoted and quoted out of context statements of the authors of the Constitution. Bozell cites fuller texts in proof. He notes too that the Constitution spelled out the right of the states to manage their elections, with Congress as the *only* regulatory federal body, and *then* only in electing members of the national Congress.

In the third case on the same subject, in 1964, the Court ruled on alleged Constitutional grounds that no state can have its own equivalent of the U.S. Senate—a chamber whose members represent interests of areas rather than population.

This time "rights of voters" under any reading of the 14th Amendment were thrown out the window, since in the test case the citizens of Colorado had voted to keep their Senate as it was rather than reapportion it by population like their lower house.

The Court ruled—from out of the blue—that the citizens couldn't have a

state Senate similar to the U.S. Senate even if they voted for it. At that time every state but one (Nebraska) had one, and when the Constitution was written all but three states did. The U.S. Senate was based in part on the pattern of such state senates. Bozell, not letting up a minute, notes that the Constitution guarantees each state a republican form of government. In denying Colorado's voters (or those in any other state) the right to vote to have their own kind of Senate, he says, the Court trampled on the Constitution again. For it is the essence of a republican form of government in Colorado that the people may design their own state government. The Constitution also refers offhandedly to "the most numerous branch" of a state's legislature, accepting on the face of it two or more Houses in one state, formed differently.

Back to Senator Dirksen. Having failed to get an amendment to the Constitution on school prayer or state government passed by two-thirds of his political brethren in Washington, he turned to the people and the states. Dirksen called for a Constitutional convention, which Article V of the Constitution provides for on "application of the Legislatures of two-thirds of the states." The surprising result was that on May 1, 1967, 32 states had approved petitions calling for such a convention. Only two more were needed with 16 states yet to vote on the matter.

SENATOR DIRKSEN, delighted by the favorable response, predicts that the remaining two states will act favorably in 1968, if not before. He said that "For over 175 years, the people in each State had and exercised" the power to shape their state legislatures. But "the Supreme Court took away this right of the people by its decision in *Reynolds vs. Sims* and related cases, decided in June 1964 . . . They are bound to [the Supreme Court's] standard no matter what the people want."

The Senator charged that "liberal" forces friendly to the Court's decision, caught by surprise, had tried to halt the procession of approval of a Constitutional convention. ". . . Efforts were made in at least five states to get legislatures to rescind their action. Every one of those efforts failed."

States yet to vote on the proposal are California, Oregon, Alaska, Hawaii, Iowa, Wisconsin, Michigan, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Vermont and Maine.

A Constitutional convention has not been held since 1787, when the Constitution was drafted, and no one knows exactly what would result. A convention

(Continued on page 42)

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could amend the Constitution freely or even rewrite it. The work of the convention would again have to be ratified by legislatures in three-fourths of the states, or by elected delegates to separate conventions in three-fourths of the states, as required under Article V.

The rapid approval by 32 of the first 34 states to vote on a Constitutional convention was a complete shocker in Washington, suggesting that the capital has been out of touch with the great discontent with the Supreme Court elsewhere. Presumably all sorts of roadblocks will be thrown in the convention's path, as some already have been. The final weapon against it would be obstructions that would have to be resolved by the Supreme Court. It would surely find reasoning to defend itself from such a convention, though there is a rule of law that no man shall judge his own case.

Senator William Proxmire, of Wisconsin, suggests how to defeat the convention. He says that 26 of the 32 state petitions should be rejected because those states have yet to reapportion their voting districts under the Court ruling, hence their legislatures are "illegal." Proxmire calls the whole idea of a Constitutional convention a "Pandora's-box nightmare."

Dirksen's reply is that this nation is one—or should be one—of the people, by the people and for the people. If three-fourths of the states ratify the convention, that fact should supersede any ruling of a majority of nine men named to the Supreme Court.

The support that a new Constitutional convention has already gotten must have a profound effect. It shows an impatience with the Supreme Court that runs far deeper than many political leaders had suspected. Shrewd politicians must get the message.

PRESIDENTIAL CANDIDATES *may* yet be moved to promise to appoint men of the stature of Judges Hand, Medina and Pound if they have the chance. Senators *may* yet resolve to block appointments of lesser lights.

Amendments to the Constitution to check the Court and undo some of its worst decisions may be the compromise to avoid returning the whole body of the law of the land to the people at a Constitutional convention. Few new votes would be needed to tip the scales for Congressional support of some such amendments.

The ground swell against the Court is large and growing. While popular movements may be slow, in the long eye of history the more they are frustrated the more irresistible they become.

Political obstructions may stall things

for months or years. But throughout history, when obstruction runs against a tide of general discontent, it finally fails. Then the obstructors stand in history as the villains.

One who studies frustrated popular discontent can visualize long continued unrestrained use of power by the Court finally resulting in changes in the Constitution far more "impossible to misconstrue" than the Legion's delegates probably intended, such as:

"No court shall void an enactment of a legislature," or

"The Congress shall judge the consti-



"—and now stay tuned for the Late, Late Show, which will be even more exciting!"

THE AMERICAN LEGION MAGAZINE

tutionality of the acts of the states, and the people shall judge the Congress in regular elections."

Horrible as such propositions would seem to many Americans (they would tear up our highest legal fabric going back to John Marshall), England has survived such principles for centuries.

Yet amendments that restrict the Court do not assure the people of wise, thoughtful, restrained and humble jurists. No Constitutional matter was before the modern Supreme Court in the first *Steve Nelson* case. Nelson had been convicted of Communist subversive activities under Pennsylvania's sedition law. His appeal was simply that the Smith Act, adopted by Congress, had put the whole matter in federal hands. Hence Pennsylvania's law was dead. The Supreme Court agreed and freed Nelson. It said that Congress intended to wipe out the state sedition laws in favor of federal law when it adopted the Smith Act. The Court said that a chief reason for this intent of Congress was that the states' enforcement of their laws would

interfere with Justice Department efforts to enforce the Smith Act.

In this case, authors of the Smith Act were still alive. Rep. Howard W. Smith, of Virginia, whose name it bore, penned a letter stating no intent to override state laws, but rather to reinforce the web of laws against sedition. And Congress had placed the Act in Title 18 of the U.S. Code, which stipulates that nothing in it shall step on state laws!

The Justice Department entered the case with a brief on behalf of Pennsylvania, to the effect that what Pennsylvania did to enforce its sedition laws wouldn't bother it a bit. The Supreme Court ruled that it knew what was intended far better than those in whose minds the intent existed.

Then came Chapter 2. Now Nelson was convicted, with others, under the Smith Act. The Supreme Court heard the appeal on this too, and now it freed him again. Then, in the *Yates* case it further knocked down the Smith Act.

Net result: all the states gave up enforcing their sedition laws "because the Smith Act superseded them" and the Justice Department threw up its hands at enforcing the Smith Act.

Out of these mental gymnastics, there emerged two winners—the Supreme Court and the Communist Party.

There is only a political cure for the Court mentality revealed in the Nelson cases. That is to hold the elected officials who appoint judges accountable at the polls. The people are not yet widely asking office seekers to commit themselves to the kind of judges and justices they will appoint if elected. But that may be next, if the surprising support of a call for the nation's second Constitutional convention means what it seems to.

Today there is an outward calm over the Court issue in the power centers of American politics. Dirksen's call is still two states short, and you may be sure the wheels are grinding to hold the remaining 16 states in check.

But if they follow the trend of the first 34, the issue of the Supreme Court will be squarely before the nation in a debate of such gravity that few people yet grasp what it will mean, *no matter how it goes.*

THE END

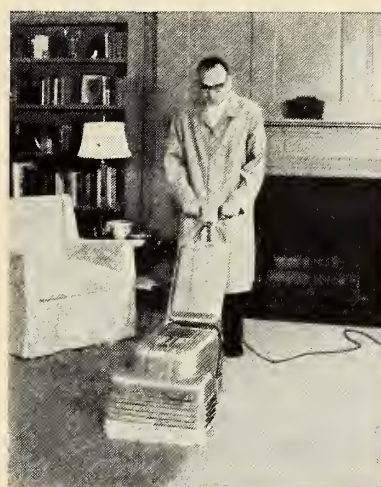
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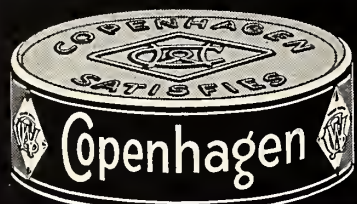
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PERSONAL

COST OF LIVING GOES UP, UP! TRAVEL TROUBLES TO MISS. HOME FIRE GUIDELINES.

What the experts call a "cost-push" rapidly is developing in our economy. This means that 1) manufacturing costs are rising faster than productivity, so 2) the prices of goods you buy will be marked up—even in areas (such as color TV) where sales are relatively slow.

In short, it all portends that the average fellow's standard of living won't improve much in the months ahead, and may barely hold its own. True, wage rates are rising, but there's less overtime pay now. And meantime the trend in food, services, Social Security and taxes definitely is up.

★ ★ ★

If—like more and more people—you are going to take an extensive trip this winter, remember these important points:

- **Foreign travel:** You can't visit some countries at all nowadays because they are on the State Department's so-called "permanent danger list." They include North Vietnam, North Korea, Communist China, Albania and Cuba. Meantime, the State Department has an ever-changing "temporary danger list" of countries where travel is exceedingly risky. To find out what's on the risky list, consult a passport office or ask your travel agent.

- **Trouble en route:** If you're in a supposedly safe country and trouble erupts, go to the U.S. Embassy. It will advise you what to do (and also will help arrange new travel reservations or accommodations in safer spots).

- **Oversold airplanes:** New penalties just now are coming into effect for "bumping" passengers with confirmed reservations. Broadly, these are the rules: if a U.S. line can't find space for you as promised when you turn up at the airport, it must 1) get you to your destination within two to four hours of your original flight some other way, or 2) pay you a penalty ranging from \$25 to \$200. Last year the number of persons bumped was about 50,000 out of 110,000,000—usually in rush hours.

★ ★ ★

Now that it's turning cooler again, keep the increasing danger of fires in mind. Smoking and matches cause most residential damage, which, incidentally, has been on a sharp rise because: 1) there are more homes to burn, 2) there's more in them, and 3) new flammable materials create new hazards. Night blazes are the most treacherous, and families are warned to:

- **Work out an escape plan** for the entire family. Be sure you devise an alternate route in case the main one is blocked.

- Warn your family that if anyone smells smoke at night, **not to rush into the hall**. Instead, first test the bedroom door to find out if it's hot. If it isn't, open it slightly and see if your primary escape route is clear. If it's impassable, **keep the door closed**. This will give you a few minutes to phone (if an instrument is in the room), call for help, use the alternate escape route or eventually leave via a window.

- Should a window be your only escape, **first throw some bedding or pillows to the ground** to break your drop.

★ ★ ★

The average American home now is so full of electrical appliances that a shortage of repairmen rapidly is developing (one manufacturer figures the deficit at 50,000 or more). Here is how the appliance industry currently is trying to get everybody out of the fix:

- 1) **Modular appliances:** Proctor-Silex is the leader in introducing six items (three irons, two toasters and a percolator) which the owner can mend on a do-it-yourself basis. Each appliance consists of five or six distinct pull-apart sections that can be replaced without tools as they wear out.

- 2) **Phone information:** Whirlpool now maintains a direct-wire, phone answering service which will give you the name of the nearest authorized repairman when you're in trouble (you can call the special Whirlpool number free).

- 3) **Solid-state components:** Most appliance makers are substituting "solid-state" ingredients in their wares wherever possible to eliminate two traditional trouble spots—wiring and tubes.

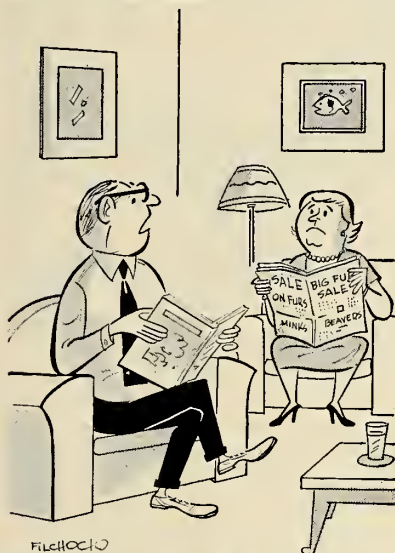
—By Edgar A. Grunwald

THE GREAT CHICAGO FIRE

(Continued from page 22)

heat. Many citizens tried to save what they could from the looters, although their belongings were certain to be claimed by the flames. When a Jacob Klein tried to stop two looters, one of them fatally bashed in his skull with a coal shovel.

The exodus from the burning and soon-to-be-burning areas added to the confusion as fire apparatus bogged down in the masses of people clogging the streets. But there were some who refused to leave their homes. A woman was forcibly removed twice from her Adams Street house. The third time she ran back and vanished in the smoke and flames.



"Well, if you must wear a mink coat to the party, I'll see if you can borrow my secretary's!"

THE AMERICAN LEGION MAGAZINE

A few became hysterical. Solomon Witkowsky, a clothing store owner, was seen at a window in his home at Van Buren and Harrison Streets firing a revolver into the approaching flames.

There was tragicomedy in the glare that lit the rubble streets. Many chose to save incongruous belongings. A young lady hurrying through the streets clutched an empty bird cage. Another carried a feather duster. Two men pushed a wooden cigar store Indian up LaSalle Street. Chief Fire Marshal Williams, knowing the battle was lost, went home to salvage a new carpet, while his hosemen abandoned their lines to save what they could of their own belongings, or trudged back to fire stations that had not been burned and fell into exhausted sleep.

By dawn, hundreds had sought refuge on Lake Michigan's shoreline. As heat and smoke swept over them, husbands scooped holes in the sand, buried their wives and children up to their necks and dashed back and forth from the water's

edge with cooling water. Others drove horses and wagonloads of personal treasures out into the lake.

At mid-morning a vast pall of black and gray smoke churned over Chicago's skyline. It was seen for hundreds of miles west out into the prairies and from ships far out in Lake Michigan. And under the pall, the fire raged on.

Soon to burn that morning were Woods' Museum, which held Lincoln's catafalque, the Crosby Opera House, the Chicago Academy of Music, banks, grain elevators, lumberyards, and the Michigan and Illinois Central Railroad depot, largest in the nation. Heat had twisted trolley tracks on State Street into curlicues.

The six-story department store operated by Marshall Field and Levi Leiter fell to the flames. Crumbling, too, were the eight-story Palmer House hotel and the Chicago Tribune building where, until the last, Publisher Joseph Medill and his staff were determined to put out a fire edition.

By that afternoon, the "fireproof" Chicago Historical Society building, with its repository of President Lincoln's walking stick, John Brown's pike, and the original of the first Emancipation Proclamation, would be in ashes, along with McCormick's reaper factory. "Several hundred tons of pig iron in the McCormick yard . . . ran together like taffy in the sun," wrote Robert Cromie in "The Great Chicago Fire."

In the South Division, ex-alderman Hildreth, still determined to stop the flames by blasting, found an ally in Philip H. Sheridan, the Civil War general, who headed the local military district.

HILDRETH HAD succeeded in leveling a strip of buildings along Harrison Street and needed only to blast the Wabash Avenue Methodist Church to complete a blocks'-long break that he hoped would stop the fire in its south-bound rampage. With Sheridan's support, Hildreth argued with the minister and some parishioners who were anxious to save the church. The minister won out after showing the men that the church was prepared to stand off any threat from the flames; it was built of stone, and sand was at hand, as well as water. Convinced, Hildreth and Sheridan left, Hildreth to continue his blasting elsewhere.

Later, hearing that the church's wooden tower was aflame, he was furious that he had been talked out of blasting the building in the first place. Sheridan then ordered artillery to the scene in order to shell the tower, but before it arrived a former professional gymnast, William Haskell, appeared and asked to

(Continued on page 46)

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THE GREAT CHICAGO FIRE

(Continued from page 45)

be given a chance to save the church.

Haskell climbed hand-over-hand up the side of the church and, using a rope that he had carried with him, pulled up buckets of water and doused the flames in the tower. The church was saved and the fire would travel no farther south. (Hundreds of spectators cheered Haskell and took up a collection to show their gratitude, but he disappeared before the money could be given to him. The collectors then pocketed the money and themselves disappeared into the crowd.)

AS EVENING FELL upon the city, some 30,000 homeless crowded into Lincoln Park in the North Division, while hundreds more camped for the night along the lakefront. Then the wind began to change. It blew now toward the already burned-out area of the city. The fire fought the strong breeze and a steady drizzle that began about 11 o'clock, but the flames succeeded only in extending their ruthless path a bit farther and the force of the conflagration gradually diminished. Early Tuesday morning, the last building to burn was swallowed by the finally satiated flames.

The city lay quiet as the morning sun tried to pierce the gray blanket of smoke shrouding Chicago. Publisher Medill was to describe the "widespread, soul-sickening desolation. . . . The proud and stately city of yesterday . . . sunk into cellars and basements. . . . What had hours before been the mart of commerce was now an indescribable chaos of broken columns, fallen walls, streets covered with debris, melted metal. . . . Thousands of columns of smoke and enveloping tongues of flame still rose out of the tumbling ruins. . . ."

The fire had carved a swath four miles long and one mile wide. Some 2,400 of the city's 22,400 acres had burned. Destroyed were 17,430 buildings. While only 120 bodies were found, official estimates would place the toll at closer to 300. About 100,000 were homeless. Four hundred million dollars worth of property was destroyed. Of \$175 million in insurable damages, only about half of the claims would ever be paid as 57 of 341 insurance companies involved went bankrupt, many paying but three cents on the dollar.

By nightfall, the first of many relief

trains reached Chicago. Railroad magnates Jim Fiske, Jay Gould and William Vanderbilt provided free transportation for relief supplies and food and bedding. In New York City, wagons passed up and down Fifth Avenue with signs, "GIVE US CLOTHING FOR THE FIRE SUFFERERS!" President Grant sent his personal check for \$1,000.

(Lost in the awesomeness of the unbelievable calamity that had befallen this modern-day city were reports of another catastrophic fire that started the same Sunday night several hundred miles north of Chicago. A forest fire had destroyed the town of Peshtigo, near Green Bay, Wis., and more than a dozen nearby villages, with a loss of 1,500 lives.)

What had started the Chicago fire? The city's Board of Police and Fire Commissioners Inquiry was unable to find a cause. Many theories were advanced. Among them: spontaneous ignition of the new hay; claims that someone at the McLaughlins' party had gone to the barn to filch some milk and tipped over a lantern; arson by a lunatic, and children playing with matches.

NOT UNTIL SOMETIME later was the story of Mrs. O'Leary milking her kicking cow advanced. It appeared in a Chicago Times article of October 18, 1871, which, while heaping abuse and sarcasm upon the O'Learys ("During her testimony," the Times wrote, "the infant she held kicked its bare legs and drew nourishment from mammoth reservoirs"), charged that she had set the fire out of spite because she had been taken off relief. (She had never been on.) Nor was any evidence produced to show that Mrs. O'Leary had gone to the barn after her regular 5 o'clock milking.

The O'Learys soon faded into obscurity, and the site where the fire started is occupied today by the block-square Fire Academy of the Chicago Fire Department. A fire station adjoins the school. Outside the Academy stands a spiraling metallic flame monument to the fire.

In 1922, from a program commemorating the anniversary date of the fire, a nationwide observance of Fire Prevention Week (the Sunday through Saturday period in which October 8-10 falls) was formally proclaimed by the President of the United States and the Governor General of Canada. It is still observed today, under the continuing sponsorship of the National Fire Protection Association.

That Chicago quickly recovered from the conflagration is credited largely to such civic boosters as Publisher Medill, who editorialized, "Let the Watchword henceforth be: Chicago Shall Rise Again." Medill used the slogan a few weeks after the fire when he ran for Mayor. Campaigning on "The Fireproof Ticket," he won—hands down. THE END

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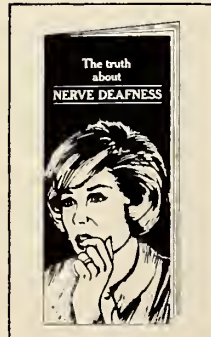
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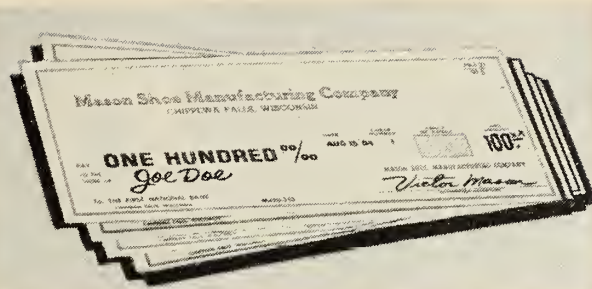
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HOW TO PROTECT YOUR CREDIT RATING

(Continued from page 27)

ability to meet obligations. A bankruptcy is the strongest indication of irresponsibility that we can have. The man who's been through it once tends to head for the next one like a horse heading for the barn."

In our highly mobile society, the automobile is considered a necessity rather than a luxury. An automobile repossession (called a "repo" in the trade) on a credit record, therefore, ranks next to bankruptcy as cause for refusal.

"A repo is major," says our banker. "A man today is dependent on his wheels; if he let's *them* go, he'll think nothing of letting his furniture or household appliances go."

All lending institutions have recourse to retail credit reporting agencies in scrutinizing a prospective borrower's credit history. In California these agencies have attained a frightening technical sophistication, blanketing the state with an intricate information-gathering network. Giants like Bank of America have ceased keeping their own credit files in favor of outside independent computerized operations.

Even a few years ago the poor credit risk could, like the larcenous colonel and his nine Cadillacs, merely "forget" to list a poor credit history. This no longer is possible in California, and in a few years the computers will make it impossible anywhere in America.

The data is submitted on IBM punch cards, and gives a capsule credit history of the consumer: his name and that of his spouse; his current and previous residence addresses (including cities and states); his employer or occupation; his social security number or military service number. Each time he opens a new account or has a loan rejected, the information goes into the agencies' central files, along with such information as whether the consumer was rejected because of derogatory credit reports;

whether his account is slow; whether unsatisfactory pay has required collection; or the account is 60 or 90 days delinquent; or has been charged off as uncollectible, or whether it has resulted in a repossession. Every type of loan is covered: personal, auto, household, equipment, charge accounts, dealer sales contracts, real estate, home improvement. Debts may be outlawed because of the statute of limitations; but the recorded fact of that unpaid debt is never outlawed. This may smack frighteningly of Big Brother, but it is legal and is the future of our retail credit system.

ONE DISTURBING aspect of this is the unjust derogatory credit report. Suppose a man gets a transmission job done on his car, drives three blocks, and has the transmission fall out in the street. He feels he shouldn't have to pay for this, and he doesn't. But the transmission shop can—and often does—retaliate by turning in a "derog" on him to the credit agencies. How can he protect himself?

If you apply for credit and are turned down, ask *why*. If you were rejected because of what you consider an unjust credit report, demand the name of the reporting credit agency. If their records are in error they will correct the mistake, and they can furnish the source of the adverse information. You then can move against the unjust retailer directly.

It should now be apparent that the American consumer's prime financial consideration today must be the protection of his credit rating. The following tips will not solve anyone's current financial woes, but they will furnish an excellent standard against which to measure your future program of installment buying:

1. *Create lasting credit habits.* Do not buy on impulse. Do not carry a fistful of credit cards when one will meet your needs. Do not open charge accounts at

a dozen retail stores handling similar merchandise. Do keep a detailed budget of your monthly expenses. Always maintain a balance between income and outgo.

2. *Know what your credit is costing you in dollars.* Don't be confused by "amortization tables" or the difficulty of assessing "rates of interest." The formula for finding the dollar cost of credit is simple. Take the number of monthly payments times the amount of the monthly payments. From this figure, subtract the stated purchase price of the item. The difference, no matter what it is called (service charge, interest, carrying costs, etc.), is what you are paying in dollars to "buy now and pay later." If it seems too costly, buy elsewhere, or wait until you can pay cash. The worse your credit, of course, the fewer the stores that will extend credit to you, and the greater carrying charge they will assess.

3. *Follow a percentage formula in your credit buying.* This formula applies to anyone in any income bracket. If you follow it, you never will be overextended due to credit buying. Like the formula for the dollar cost of credit, it is very simple. Forty percent of your gross yearly income should be the cutoff point for installment payments. This 40% includes house payments (or rent); car payments; furniture or appliance payments; credit card payments; charge account payments (including revolving charge accounts). The other 60% of your gross income must cover your state and federal taxes; your insurance; food; utilities; transportation (including bus and taxi fares); savings; incidental expenses and medical bills. This last item can be substantial if you have children.

One hundred percent of those American consumers who today are in trouble because of installment buying have gotten into trouble because they spent more than 40% of their gross income on charge accounts. If you are one of that unfortunate group, cut back on your credit spending *now* so it conforms with this simple formula. If you are not in debt, and enjoy a good credit rating, count your blessings. *And* your charge accounts. Your good credit is one of the greatest assets you possess as an American citizen in a free society. If you protect your credit rating at all times, it will stand by you in time of real need.

THE END

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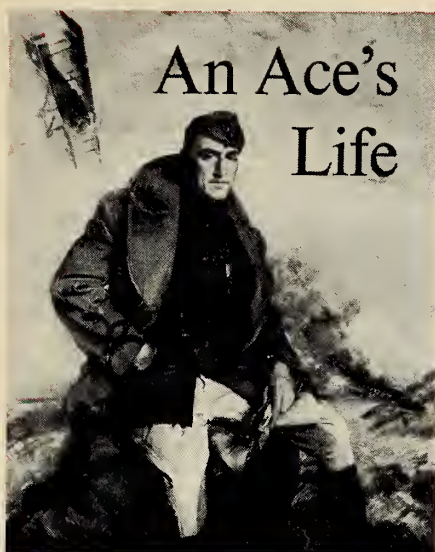
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RICKENBACKER, by Captain Eddie Rickenbacker. PRENTICE-HALL, INC., ENGLEWOOD CLIFFS, N.J., \$7.95.

The colorful, dynamic and highly opinionated flying ace of WWI tells about his life in this autobiography, beginning with the early years in East Columbus, Ohio, when his father's death and economic necessity made it imperative for him to quit school and go to work at age 13. All sorts of jobs filled those first working years, for even though money was desperately scarce, the future Ace of Aces never lacked the courage to quit one job for a better one.

By 1905 he was working for the Frayer-

Miller auto manufacturing company and participated in the 1906 Vanderbilt Cup Race on Long Island, N.Y. Then came a position with Firestone, where he worked in the engineering department, and demonstrated and helped sell the company's cars. Car racing was the next step and by 1913 he was in auto racing professionally. Rickenbacker describes those years as "... a golden period of my life. Racing was fun, its rewards were great in both recognition and money and we all felt that we were making a contribution to the automotive industry."

In May 1917 he was on his way to France with the American Expeditionary Force as a sergeant in the U.S. Army. As a well-known racing driver, Rickenbacker soon was recruited to be military driver for William "Billy" Mitchell, America's outspoken air pioneer. Eddie persuaded Mitchell to let him take pilot's training, which prepared the way for the famous Rickenbacker role in WWI aviation—134 aerial encounters with enemy planes.

After the war he founded the successful Rickenbacker Motor Company. When business reverses forced Eddie to start over again he chose a new career—owner of the Indianapolis Speedway. Then came his long love affair with commercial aviation, a period that was to span the plane's growth from a near novelty to its position today as a billion dollar industry.

Captain Rickenbacker is known for his many years of association with Eastern Air Lines, and his later life story is largely intertwined with Eastern's story and with the development, improvement, growth and future of American aviation.

THE ART OF SPYING, by Enrico Altavilla. PRENTICE-HALL, INC., ENGLEWOOD CLIFFS, N.J., \$4.95.

Spying, states the author, is "a different kind of war, the one of espionage and counterespionage enlists some of the most intelligent men in the world for a continuing contest of cunning and betrayal, of deception and attempts at seduction and corruption."

It is also one of the least known professions and one about which there are many misconceptions. It is these unknown facts about spying and spies that the author has sought to explain in this intriguing look at espionage.

If we base our opinion of espionage on the movie exploits of "007" it seems like a mixture of danger, adventure, astounding gadgets and beautiful women, with success the ultimate outcome. In reality, while the danger and gadgets can be very real, spying is often tediously monotonous work, women foreign agents are rarely sultry beauties, and the outcome is often tragic, sometimes fatal. Also, while the adventures of agent "007" are authentic, the character of agent James Bond is completely unreal. The best agents, far from being handsome heartbreakers, are usually nondescript in appearance. Instead of frequenting the best hotels and restaurants, they stay at boarding houses and eat in mediocre restaurants or worse. Most of their contacts are made in public areas designed to arouse little suspicion. An old proverb, quoted by the author, states: "Spies live to know, not to be known."

Since the successful spy who remains alive receives little public recognition and limited monetary rewards, what motivates a person to become a spy? The reasons seem to be: fear, money, political conviction, hatred for society, love, a desire for power.

A nasty, dangerous business? Yes. But a fascinating one. Or, as Allen Dulles, head of our CIA, put it, "Ours is a job that gets in your blood." GSH

The Cattleman's Steak Book, by Carol Truax and S. Omar Barker. GROSSET & DUNLAP PUB., NEW YORK, N.Y., \$3.95.

A mouth-watering collection of recipes for all cuts of beef, compiled with entertaining bits of cowboy lore and poetry out of the "Old West."

Dictionary of Word and Phrase Origins, Vol. II, by William and Mary Morris. HARPER & ROW, PUB., NEW YORK, N.Y., \$7.50.

This digest of the stories behind some 2,500 everyday words and phrases is a reference work that you might choose to keep by your bedside for entertaining nighttime reading.

Books that are in print can usually be purchased at local bookstores, or ordered through them if not in stock. Readers who may wish to order books directly from publishers can obtain publishers addresses from their bookstores. We regret that we do not have a reader service staff, and can only return to the senders requests to purchase books that are sent to this magazine. EDITORS

The UN— Communism's Secret Weapon?



VICTORY DENIED, by Major Arch E. Roberts. CHAS. HALLBERG & CO., CHICAGO, ILL., paperback, 75¢.

Major Roberts has written a biting denunciation of U.S. no-win policies in Korea and presently, he believes, in Vietnam. He lays the blame for these policies on the UN and upon anti-anti-Communists who have infiltrated our government and have succeeded in tying the hands of America's aggressive military leaders.

Beginning with what he feels is one of the major dangers of the present makeup of the UN—the repeated awarding of the UN military post of Under-secretary for Political and Security Affairs to a Communist, generally a Soviet Communist—he goes on to outline an extensive propaganda program that is being waged by the Communist world via the public platform of the UN.

Major Roberts was the author of the famous and controversial Pro-Blue Troop Information program that resulted in the highly-charged case of Maj. Gen. Edwin A. Walker. He feels that the Walker case was pivotal for major political issues of this decade, and that the intent of those wishing to oust General Walker went deeper than the removal of one man; that in fact those who led the attack on Walker were actually seeking to end all strong pro-American and anti-Communist troop information programs. He believes they largely achieved their goal.

Major Roberts' book is not cheerful reading, but for those who are concerned about the apparently growing influence of Communist thought in the United States today, it may help spark greater anti-Communist action.

A RECORD OF FLAG DESECRATION

(Continued from page 9)

aroused in Indiana, the local prosecutor tried to bring misdemeanor charges against the offender, but Stewart had returned to Chicago by this time and Indiana authorities were told they could not extradite him because of the "minor nature" of the charge.

A few months later, Richard Calisch, 36-year-old teacher of literature in a suburban Chicago high school, placed a handkerchief and an American flag on the floor in front of his class and proceeded to step on both. Called upon to explain his bizarre action, Calisch claimed that he had wanted to show pupils that stepping on the flag offended their sensibilities whereas the handkerchief was only a piece of cloth which stirred no emotions.

Prof. Scott Chisholm, Canadian born lecturer at Indiana State University, carried desecration a step further last April by burning a flag in front of his class. Chisholm later told university authorities that there was not "anything unpatriotic" in his action. He said he had found the flag lying on his desk and accepted this as a dare to burn it.

Chisholm's explanation apparently satisfied a special faculty investigating committee which recommended that he be let off with a rebuke. But by this time, the Board of Trustees had stepped in and the professor found himself out of a job.

The law's attitude toward the Chisholm case might be described as passive. Citing the incident before Judiciary subcommittee #4, Congressman Richard L. Roudebush of Indiana said: "... despite the revulsion in our state to this act (of flag burning), the local jurisdiction has not at this date sought prosecution, and the local county prosecutor commented 'it's not worth it.'"

RESPECT FOR the flag is becoming increasingly unfashionable in academic circles, according to Edmund G. Lyons, of New Jersey, who testified before the House subcommittee in his then role as vice chairman of the National Americanism Commission of the Legion.

"We have had a rash of high school teachers and college professors who claimed that desecration and mutilation of the flag by them was not really desecration at all," said Lyons. "That it was done to prove points in logic and semantics, that the flag is only a symbol and a piece of cloth and should not be mistaken for the country itself or any of its power. It was even suggested that reverence of our flag, the symbol of our heritage, would relegate us to the level of voodooism."

Such a view is a far cry from the statement of Woodrow Wilson who said half a century ago that: "The things the

flag stands for were created by the experience of a great people. Everything it stands for was written by their lives. The flag is the embodiment, not of sentiment but of history. It expresses the experiences made by men and women, the experiences of those who die and live under that flag."

Flag desecration in the art gallery, on the stage and from the lecture platform has aroused general revulsion, but what goaded the Washington lawmakers into belated action was the highly publicized burnings and other acts of defilement at rallies aimed mainly against the war in Vietnam.

Such actions—as a parade of legislators testified at the Judiciary subcommittee #4 hearings—attract worldwide

the security of the nation when the flag is burned publicly and the burners are not punished," Musmanno declared. "What does that lead to? After the burning of the flag, then they parade the Viet Cong flag. What does that lead to? Then they carry signs to this effect: 'Lee Harvey Oswald, where are you now, we need you.'"

"That is an invitation to assassination, nothing else. Each evil step leads to the next evil step, each one becoming more grave, until finally you have the serious situation of the security of this nation being in danger."

Musmanno was not alone in this view. Flag burning and other acts of protest prompted Gen. William Westmoreland, commander in Chief of U.S. forces in Vietnam, to warn recently that such outbursts strengthen the will of the enemy



"Another nice feature, he can use it to clean up his room."

THE AMERICAN LEGION MAGAZINE

attention. They are watched closely by leaders of such nations as the Soviet Union which, incidentally, recently passed a law of its own that makes the burning of the Russian flag an offense punishable by two years imprisonment.

State Supreme Court Justice Michael A. Musmanno, of Pennsylvania, noted at the subcommittee #4 hearing how such conduct must be viewed by the communist chiefs of North Vietnam.

"When the enemy sees pictures of the very symbol of the United States being torn to shreds, ripped to tatters, dragged in the mud, spat upon and reduced to ashes, and no one is being punished for such desecration, how can he believe other than that our resolve is weak?" Musmanno declared that such desecration could even constitute a danger to our national security.

"I think it is absolutely a challenge to

and that this means the loss of more American lives.

"When a field commander does not have to look over his shoulder to see whether he is being supported," Westmoreland said, "he can concentrate on the battlefield with much greater assurance of success."

Realizing the potential danger of such demonstrations, state authorities have tried to use their local laws to discourage offenses against the flag.

Indeed, the Ohio legislature has just passed a new one, and Governor Rhodes has signed it. It calls for a fine of up to \$1,000 or jail for from 30 days to a year, for persons convicted of defiling the flags of the United States or the State of Ohio.

In March 1966, demonstrators organized by the Student Nonviolent Coordinating Committee (SNCC), which has

spawned such leaders as Stokely Carmichael and H. Rap Brown, ripped down and defiled an American flag in front of the county courthouse in Cordele, Ga. Two demonstrators were convicted and each sentenced to one year in a public works camp.

The only prosecution of flag burning to stand up in our courts, according to the Brooklyn District Attorney's office, occurred in June 1966, when Sidney Street, 47-year-old Negro, burned the colors on a Brooklyn street corner after shouting "we don't need no damn flag." Apprehended, Street told police he had acted after hearing on the radio that James Meredith, noted civil rights leader, had been shot and wounded during a march through Mississippi.

"If they did that to Meredith, we don't need the American flag," Street declared.

The civil rights angle placed the case on delicate ground, but Harry Brodbar, Brooklyn Ass't District Att'y, said that Street had committed an act of incitement which posed danger to the public peace, regardless of the provocation or the defendant's overwrought condition. The court declared Street guilty, but took into account the "distressing news" he had heard about Meredith and suspended imposition of any sentence. The ACLU fought the decision, but the guilty verdict was upheld by the New York Court of Appeals, the state's highest tribunal.

In most flag desecration demonstrations, the offenders have managed somehow to vanish from the scene before the law moved in. In a suburb of San Francisco in August 1966, a young woman anti-war demonstrator trampled and spat upon a bandana fashioned from a ripped American flag. Two Marines stationed at a nearby dock had time to run over and grab the flag away from her, after tossing her two male companions into a ditch. Later it was announced, however, that no arrests had been made but that authorities were looking for the woman.

THE FAMED flag burning in Central Park last April had a similar aftermath. When the Empire State Society of Sons of the American Revolution tried to find out what happened to the flag burners, it was told by a clerk at the New York Criminal Court that "in the absence of the name of a defendant, it is most difficult to locate a case solely on the basis of an incident that gave rise to it."

The clerk didn't brush off the query, however. He did some investigating of his own and managed to turn up "one case of two defendants concerning the American flag that occurred the same day as the park rally."

These defendants, he said, were marching up Madison Avenue bearing a facsimile of the American flag with swastikas and question marks replacing the stars. Hailed into court, they were fined \$10 each.

A high New York official acknowledged that the Central Park flag burning took place in view of hundreds of FBI agents and plainclothesmen, but he claimed that none was close enough to stop the desecrators. Then he made this interesting disclosure.

"It is doubtful whether any action would have been taken anyway. It was a prearranged decision not to provoke any disorder unless there was out-and-out violence."

It was not until public wrath had reached fever pitch that New York authorities ordered a full-scale investigation and announced that they were trying to identify the flag burners from photographs of the incident.

The increasing use of flag burnings to dramatize protest rallies has roused suspicion that these are not acts of young people making a spectacle of themselves to attract attention.

"The hard-core people in these cases are skilled semiprofessional agitators who seek not attention but general chaos and the destruction of the American system," Alabama Congressman Jack Edwards testified at the subcommittee #4 hearing.

This view was shared by former American Legion Commander John E. Davis who said, "While we do not question the right of dissent, we have serious reservations regarding the motivating forces, the financing and the masterminding of the rash of anti-Vietnam demonstrations to which this country has been subjected."

But the Civil Liberties Union and a number of educators remain an active force in opposing legal action against cases of flag desecration.

The ACLU succeeded early this year in squashing desecration charges against a student named Kent at the University of Hawaii, who spoke before a rally of nearly 500 persons against U.S. policy in Vietnam and other foreign trouble spots. To bolster his argument, Kent had put up a poster on the rostrum depicting the American flag with stars replaced by dollar signs. The poster caused considerable indignation among members of the audience, and one young man finally strode up to the platform and tore it down.

In the ensuing argument, the young man asked Kent whether the poster was supposed to represent the American flag. Kent retorted, "that is what it has become" and proceeded to charge that President Johnson had disgraced the colors

(Continued on page 52)

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A RECORD OF FLAG DESECRATION

(Continued from page 51)

in Vietnam, Cuba and the Dominican Republic.

The case went to court where the prosecution charged that Kent did by his actions "defile, defy and cast contempt upon" the flag.

The battery of four lawyers retained by the ACLU on Kent's behalf argued that in the first place the flag desecration statute of the state of Hawaii (and presumably of every other state) was "an unconstitutional abridgement of the First Amendment right of expression."

The ACLU further argued that Kent's actions could only be construed as "an utterance of political opinion on an important issue of foreign policy."

The court waved aside the ACLU's bid to outlaw the flag statute, but it did rule that the flag placard was a symbolic portrayal of dissent and not an act of desecration.

The constant readiness of the ACLU to defend flag desecrations and similar cases has drawn fire from the authorities, as well as veterans groups and even some liberal organizations.

Not long ago, an exasperated New York Police Commissioner labeled the ACLU "essentially negative" and reminded its directors that good police agencies are "the strongest bulwark of civil liberties that we have in this country."

Benjamin Epstein, national director of the Anti-Defamation League of B'nai B'rith, the Jewish service organization, said recently, "I part company with the Union [ACLU] when it goes to the defense of those who I feel are out to destroy our democracy."

A NUMBER of flag desecration cases have shown no apparent malice. Some have stemmed from simple though surprising ignorance of the respect due the flag—such as disposing of old flags in garbage pails. Others have seemed a combination of ignorance and desire to commercialize the flag—sometimes to popularize a new product and provide a new advertising gimmick or feature story angle. In such cases, the offenders have usually tried to make amends.

Such a case occurred in March 1964 when a department store in a New York suburb attempted to drum up interest in a new line of boys' jackets by lining the pockets with small American flags, or close replicas thereof. A mother who bought one for her 10-year-old son noticed the lining and got in touch with her local Congressman. The latter investigated and asked the store manager for an explanation. The flag-lined jackets were removed from the racks that same day.

In March 1965, the late New York Herald Tribune featured in its Sunday Magazine a frothy, commercialized story about how post-teen-age career girls were going in for little girls' clothing. The article, for no apparent reason, was accompanied by a photograph showing a shapely assistant art director of an ad agency perched nonchalantly on a bedspread which was in the design of the American flag.

The feature prompted the Editor of The American Legion Magazine to remind the Herald Tribune publicly that this bit of editorial commercialism violated virtually every clause of Public Law 829, 77th Congress, commonly known as the U.S. Flag Code.

The Herald Tribune published an apology at once for running the offending photograph, asserting that it had meant no disrespect for the colors and expressing regret for "the lapse in taste."

IN AUGUST of that same year, a New York women's garment manufacturer hit the market with a new line called Pop Pants, featuring a gaudy panty girdle titled "Stars 'n Stripes." The garment had eight blue stars on a white background and red and white vertical stripes.

The girdle was brought to the attention of Mrs. W. Carl Crittenden, national chairman of the Flag of the U.S.A. Committee of the D.A.R. She responded with a blistering note to the manufacturer labeling the girdle a "shocking caricature of the national flag."

The company, which had distributed about 3,000 of the girdles to stores across the nation, held a hurried board of directors conference and decided to rush out an order recalling the offending garments.

"We will burn the damn things or send them to a foreign country where our flag isn't involved," said a company spokesman. "Maybe we can give them away as charity gifts to people in other parts of the world."

Touching on such violations before subcommittee #4, Congressman Halpern cited other instances of even worse taste such as using replicas of the flag as shoe shining cloths.

"Yes," he said, "and I have even seen



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for myself, during a recent visit to Washington Square in New York, our national standard being used mockingly as handkerchiefs, where the defilers were blowing their noses in our flag."

There have been other cases of flag violation that apparently stemmed from ignorance or a disregard for American sensibilities. In 1963, U.S. authorities of the Port of New York impounded 202 bales of rags aboard a freighter of the Polish Ocean Lines after five venerable American flags were found stuffed in with the rags. One of the standards was spotted by a longshoreman on a Brooklyn pier where the shipment was being loaded. The cargo was impounded under a U.S. regulation which requires licenses to export flags. Authorities were prepared to back this up if necessary with a

forbade the marring of a picture of the flag with a cancellation stamp.

Tower has sought action on recent advertisements using a flag motif, such as the automobile company which featured a hand gloved in the Stars and Stripes, or the billing for the Broadway play *The Star Spangled Girl* showing an actress peeking out of a can decorated with the Stars and Stripes.

Tower agrees, however, that deliberate acts of desecration such as the protest burnings pose the main problem.

"I'm not a fanatic about it," he said recently, "but are we in this country going to have Americans desecrate the flag openly? We've already stopped the prayers in the schools, stopped the Pledge Of Allegiance, stopped opening the schools with patriotic observances each morning.

"If you want to protest the war in Vietnam, okay, protest. But don't take the flag. For heaven's sake, let's keep something!"

THE AMERICAN LEGION National Convention meeting in Boston last August took note not only of the willful acts of flag desecration, but of the increasing number of flag desecrations presumably arising out of some ignorance.

If the now-defunct Herald Tribune could illustrate an article with a photo violating the bulk of the flag code, and then be sorry for its "lapse of taste"; if, as sometimes happens, ordinary householders throw old flags in garbage cans; if flags are used for baling or waste; if art exhibits supported by public funds accept displays that desecrate the flag and violate both state and national laws; if manufacturers make articles using the flag as a motif and then discover they're offensive, and if federal officials themselves sometimes violate the Flag Code, the suspicion arises that the schools at all levels are not teaching flag etiquette or the meaning of the flag as they once did. Where the public shows ignorance, those charged with public education are unavoidably answerable. Adults who graduate from schools without an awareness of the U.S. Code have been under-educated if not miseducated.

The Legion, in Resolution 251 of its 1967 convention, called on the schools from kindergarten to college to put an end at least to ignorance, if not disrespect, of the flag and the Flag Code, and it volunteered the services of the Legion to any schools calling on it for assistance, if need be.

With a new federal law looming to put teeth in former laws that were toothless, it will be up to enforcement officials and courts to mete out punishment where flag desecration is willful. What they will do, once they have better legal tools, is yet to be seen.

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federal law decreeing that old flags must be disposed of in a dignified manner either by burial or fire, as the U.S. Flag Code requires.

Another sharp-eyed longshoreman assured a proper disposal for an American flag later that same year. He discovered that the colors were being used as part of the baling for four secondhand refrigerators destined for the Middle East aboard a Dutch freighter. Again authorities of the Port of New York stepped in and ordered the cargo impounded until the flag was removed.

Even the U.S. Government has erred in observing flag etiquette. Lawrence Tower of the Flag Foundation noted this several years ago when the Post Office Department announced the issue of a new five-cent stamp bearing the imprint of the flag. Tower recalled that a federal law passed in 1942 forbade not only the printing of U.S. flags on stamps but also

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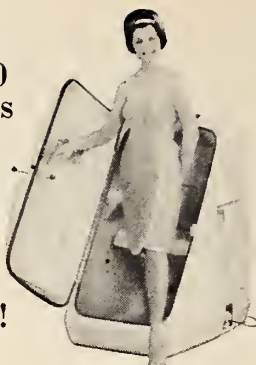
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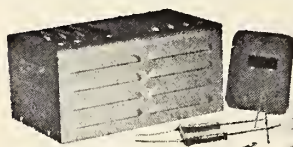
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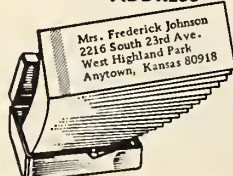


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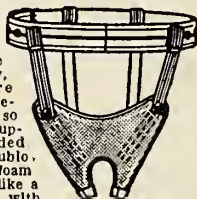
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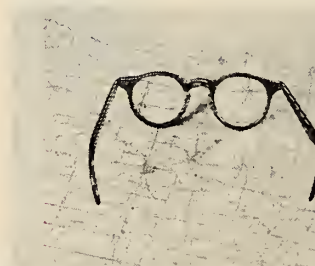
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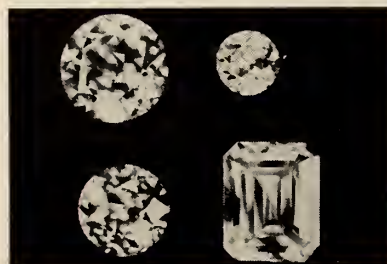
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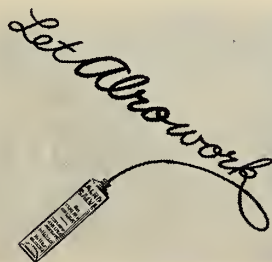
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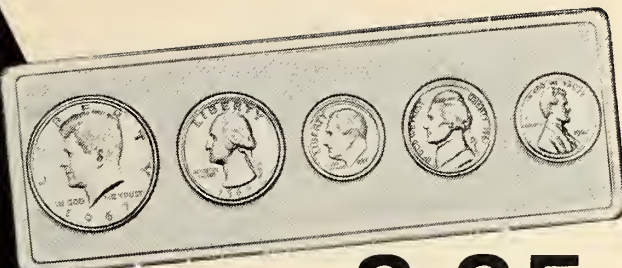


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PARTING SHOTS



"This is my son, the protester."

THE AMERICAN LEGION MAGAZINE

PAST HIS PRIME

The doctor gave his 70-year-old patient a very curious look. "I've been practicing for two decades," he said, "and I'm darned if I ever heard of such a complaint. What do you mean your virility's too high?" The old man sighed. "It's all up in my head," said he.

F. G. KERNAN

"MODEL HOBBY"

A real-estate salesman spent all day Sunday showing a couple through model homes. "And here," he wearily said at the tenth home he had shown, "is the hobby room. Do either of you folks have hobbies?"

"Yes," replied the woman, "looking through model homes on Sundays."

LUCILLE J. GOODYEAR

THE CORRUPTER

Billy's father asked him why he didn't play with the boy next door, explaining, "He's a good boy and I never heard *him* say any bad words."

"No," Billy agreed, "but you will tomorrow."

"Why, tomorrow?"

"Because I just told him some."

EDNA ELSAER

SLIGHT FLAW IN HIS GLASSES

An optometrist, meeting a man for whom he had prescribed new eyeglasses, inquired about the effects of the change.

"The glasses are just fine," replied the patient, amiably. "They're framed in good taste—they fit well behind my ears—and for distance they're out of this world."

"Not a single flaw, eh?" remarked the optometrist.

"Perhaps a little in the lenses," explained the patient. "Sometimes I walk off the wrong end of ferry boats!"

DAN BENNETT

PERSISTENCE PAYS OFF

Some tasks have to be put off several times before they will slip your mind.

JACK GILL

HIGH FINANCE

Day is leased on good intention
And subject to renewal—
So I'll do my tasks tomorrow
With interest on accrual.

Conscience tabulates at sundown—
Just one more day, my craven plea!
Oh, Time must chortle in his coffers
At borrowers like me!

G. B. PAYNE

GOAD ADVICE

As a final incentive before giving up a difficult task, try to imagine it successfully accomplished by someone you violently dislike.

K. ZENIOS

HAIR TODAY

Those boys whose flowing locks give rise
To loud parental moans and cries
Cause less concern when it's recalled
That they will someday, too, be bald

DONNA EVLETH

SORRY CASH

Inflation is when money that talks apologizes.

EASTER HILL

DOWN TO EARTH DECISION

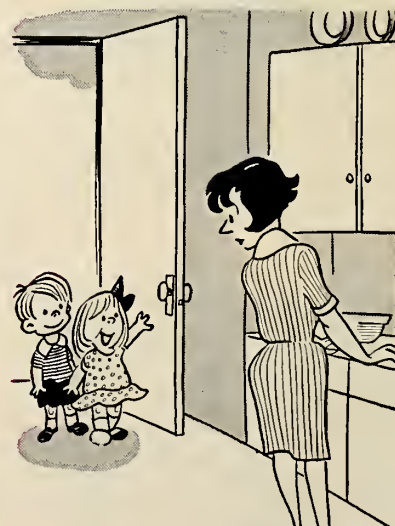
Though some may tell me that I ought
To try to be an astronaut,
I've thought it over well, and what
I think I'll be's an astronaut.

S. S. BIDDLE

PEOPLE POOPERS

Misfits: The grate society

RAYMOND J. CVIKOTA



"Mommy, do we have any apples? Tommy and I want to play Adam and Eve!"

THE AMERICAN LEGION MAGAZINE

Distinctive Items for Every Legionnaire



Uniform Caps

(See current catalog for other types of material)

Style 1 Name of State in full and Post number.

Unlined No. 71000 \$4.50

Lined No. 71057 5.00

Style 2 Post number, city name in full, state abbreviated.

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Lined No. 71085 6.25

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Gold (No. 70290) \$1.50

Lariat Tie. Rope tie for sport wear.

Blue (No. 70296) or

Gold (No. 70295) \$1.50

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Harness Cowhide in Black (No. 74492);

Brown (No. 74493) or Olive (No. 74497) \$6.95

Puma Kid in Black (No. 74495) or

Brown (No. 74496) \$8.95

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Matching thin lead pencil

No. 74272 \$1.98

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Heavy quality set by Anson.

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(See current catalog for diamonds)

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14K Gold No. 83713 . . . 3.50

REGULATION

10K Gold No. 83717 . . . \$3.50

14K Gold No. 83719 . . . 5.00

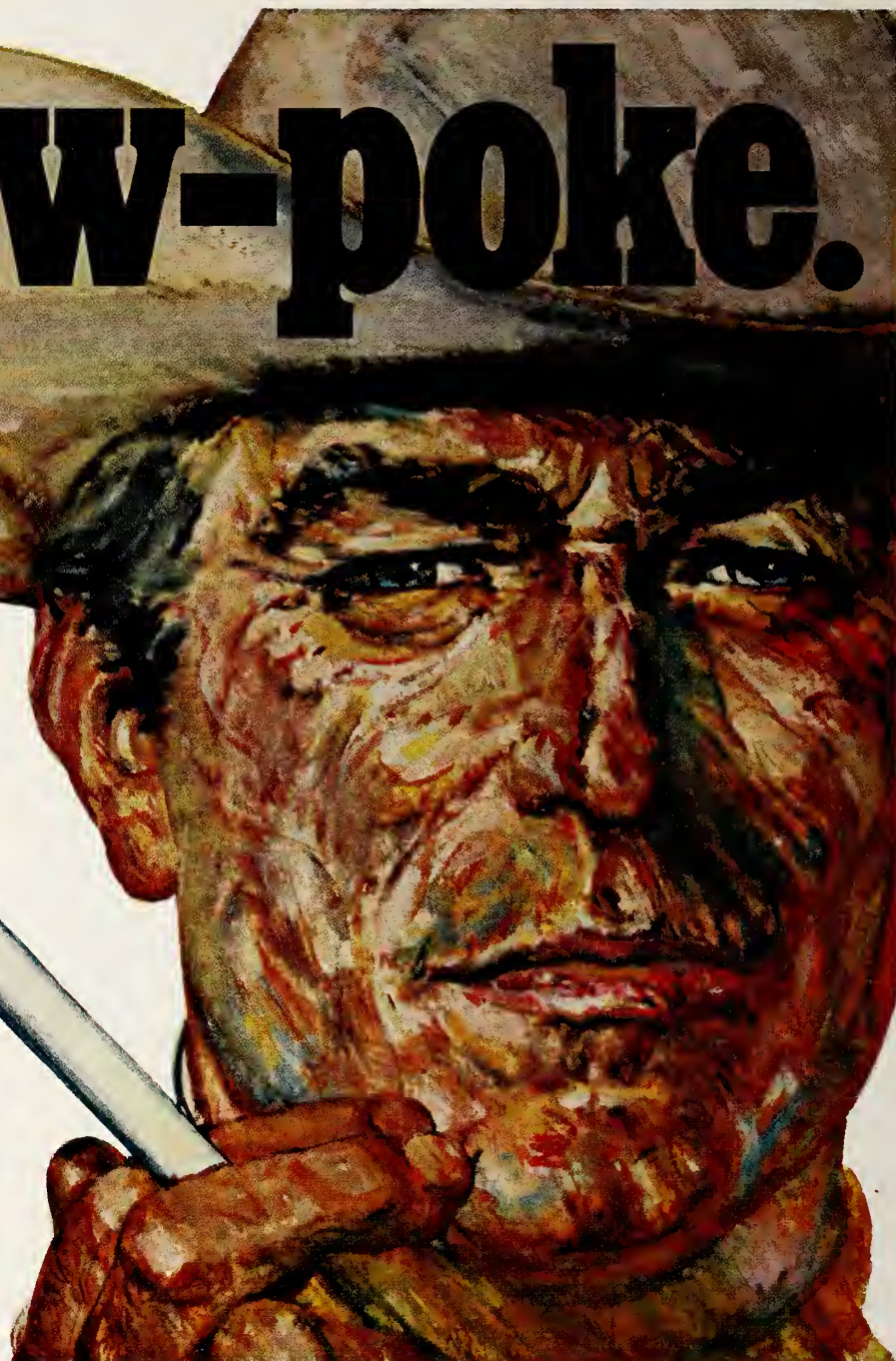


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So slow smoking, it's like getting five
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